The City Council of the City of Raleigh met in regular session on Tuesday, February 1, 1983, at 1:00 p.m. in the City Council Chamber of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Callowy
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

Mayor York called the meeting to order and invocation was rendered by John T. Caldwell, Representative of the Christian Science Church, after which, the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

NONE.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS PRESENTED

Mayor York indicated all items under Consent Agenda are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Mayor York pointed out on page 2 of the Consent Agenda, there is an item relating to RSVP Grant. He stated the Agenda indicates that we will be receiving the grant; however, it has been received, therefore, the action of the Council, if the Consent Agenda is approved, is that the Council approve acceptance of the RSVP Grant and booking of the grant as outlined on the Agenda. This item was received as information with it being agreed the item on the Consent Agenda would be as outlined by the Mayor. Mr. Upchurch MOVED APPROVAL OF ADMINISTRATION'S RECOMMENDATION AS OUTLINED ON THE CONSENT AGENDA. His motion was seconded by Mr. Edwards, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The items on the Consent Agenda were as follows:

PRIVILEGE LICENSE - MASSEUSE LICENSE FOR "THEOTECHNIA" - APPROVED

This was an application for a masseuse license for Judy Lynn Tedder and Beverly Ameenah El-Amin for a masseuse license doing business at Theotechnia, 3901 Barrett Drive. Police reports indicate approval and ADMINISTRATION RECOMMENDS APPROVAL OF THE LICENSES AS PRESENTED. Consent Agenda approval: Upchurch/Edwards - 8 ayes.

RSVP GRANT - MAYOR AUTHORIZED TO SIGN - CITY TO BOOK

On October 5, 1982, the City Council authorized the filing of a grant application for the period February 1983 to January 1984. The total RSVP amount is $93,761 which includes $41,166 from ACTION, $40,000 City share, and $12,595 In-Kind. The $40,000 City share is budgeted in the Human Resources Department budget, line item 01-2-2000-301. ADMINISTRATION RECOMMENDS THAT THE CITY COUNCIL AUTHORIZE ACCEPTANCE OF THE RSVP GRANT AS OUTLINED AND ADMINISTRATION TO MAKE THE APPROPRIATE BOOKINGS. Consent Agenda approval: Upchurch/Edwards - 8 ayes.

ORDINANCE NO. (1983) 59

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the 1982/1983 Budget be amended in order to reflect acceptance of a grant from the U. S. Action Agency for the Retired Senior Volunteer Program (RSVP) as follows:

Revenue:

02-1-4380-100	RSVP (10th Year)	$41,166.00
02-1-4380-101	City Cash Match	40,000.00
02-1-4380-102	RSVP In-Kind	12,595.00
		$93,761.00

Expenditure:

02-2-4380-000	RSVP - 10 Year	$ -0-
02-2-4380-100	Salaries	54,722.00
02-2-4380-101	Fringes	8,540.00
02-2-4380-102	In-Kind Services	12,595.00
02-2-4380-226	Equipment Maintenance	130.00
02-2-4380-228	Telephone/Postage	2,594.00
02-2-4380-231	Staff Travel	1,327.00

02-2-4380-232	Office Rental	1,320.00
02-2-4380-240	Printing/Duplication	534.00
02-2-4380-260	Office Supplies	525.00
02-2-4380-265	Volunteer Recognition	1,000.00
02-2-4380-266	Insurance	1,020.00
02-2-4380-267	Volunteer Meals	400.00
02-2-4380-268	Volunteer Travel	9,054.00
		$93,761.00

Adopted: 2/1/83

CETA - OJT SUBCONTRACT DEOBLIGATION - APPROVED

This was a request TO DEOBLIGATE FUNDS WHICH WERE CONTRACTED UNDER AN OJT CONTRACT (03-2-5420-100) WITH TAXIDERMY INTERNATIONAL. The position was not filled due to the employer's decision to utilize computer equipment to replace functions of the OJT training slot. The amount of the contract is $2,080 for one secretary trainee. ADMINISTRATION RECOMMENDS THAT THE CITY COUNCIL APPROVE THIS DEOBLIGATION. Consent Agenda approval: Upchurch/Edwards - 8 ayes.

RESOLUTION NO. (1983) 155 TF 24

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following transfer is approved in order to deobligate CETA O.J.T. contract with Taxidermy International due to computer equipment replacing functions of the O.J.T. training slot for one secretary trainee:

FROM:	03-2-5420-100	Taxidermy, Inc.	$2,080.00
TO:	03-2-5400-535	O.J.T. Contingency	$2,800.00

Adopted: 2/1/83

CETA - CONTRACT MODIFICATION - SOUTHERN CASE, INC. AND DUTY TIRE WAREHOUSE - APPROVED

This was a request to authorize the modification of the existing OJT contract with Southern Case, Inc. The purpose of this modification is to add four slots which were previously deobligated, in view of the employer's contractural business improving. This will increase the $1,742 contract amount by $7,696, changing the modified contract amount to $9,438.

The second item is a request to authorize the modification of the existing OJT contract with Duty Tire Warehouse with it being pointed out, the purpose of this modification is to decrease the slot level by one since the employer does not desire to refill this vacant position and to reduce the hourly rate of pay for one slot. This will decrease the $6,240 contract amount by $2,222.50, changing the modified contract amount to $4,017.50. ADMINISTRATION RECOMMENDS THAT THE CITY COUNCIL APPROVE THESE TWO CONTRACT MODIFICATIONS AS OUTLINED. Consent Agenda approval: Upchurch/Edwards - 8 ayes.

RESOLUTION NO. (1983) 156 TF 25

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following transfer is approved in order to increase funding of current CETA O.J.T. contract to cover four additional positions which were previously deobligated (total contract now is $9,438.00):

FROM:	03-2-5400-535	O.J.T. Contingency	$7,696.00
TO:	03-2-5421-100	Southern Case, Inc.	$7,690.00

Adopted: 2/1/83

RESOLUTION NO. (1982) 157 TF 26

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following transfer is approved in order to deobligate a portion of current CETA O.J.T. contract with Duty Tire Warehouse due to one position being dropped plus the reduction of hourly rate of pay on another position:

FROM:	03-2-5427-100	Duty Tire Warehouse	$2,222.50
TO:	03-2-5400-535	O.J.T. Contingency	$2,222.50

Adopted: 2/1/83

COMMUNITY DEVELOPMENT - PUBLIC HEARING - AUTHORIZED FOR 2/15/83

Administration REQUESTS THAT THE CITY COUNCIL AUTHORIZE A PUBLIC HEARING TO BE HELD ON February 15, 1983, to receive citizens' input in the 83/84 CD Application. Consent Agenda approval: Upchurch/Edwards - 8 ayes.

UMTA - OFF-STREET CENTRAL TRANSFER POINT - PUBLIC HEARING AUTHORIZED FOR 3/15/83

The Transportation Department REQUESTS THAT THE CITY COUNCIL ESTABLISH MARCH 15, 1983, AS A PUBLIC HEARING TO RECEIVE COMMENTS FROM THE PUBLIC ON THE APPLICATION FOR CAPITAL FUNDS FROM URBAN MASS TRANSPORTATION ADMINISTRATION FOR THE CONSTRUCTION OF THE OFF-STREET TRANSFER FACILITY ON THE MOORE SQUARE, WEST BLOCK. According to a timetable developed, March 15 would be the preferred date for the hearing. The application document itself is being prepared and would be submitted following the public hearing and the authorization by Council for the application. ADMINISTRATION RECOMMENDS APPROVAL OF THE MARCH 15 PUBLIC HEARING DATE. Consent Agenda approval: Upchurch/Edwards - 8 ayes.

CD REHABILITATION CASES - APPROVED

The following Community Development Rehabilitation Loan and Grant Applications have been researched and reviewed according to administrative procedures and ADMINISTRATION RECOMMENDS APPROVAL AS OUTLINED.

a. Case Number: B-81-MC-006
Robert Earnest Rayford
615 East Hargett Street
Loan Amount: $31,050.00

b. Case Number: B-81-MC-007
John M. and Lottie L. Martin
1230 South Bloodworth Street
Loan Amount: $19,050.00

c. Case Number: B-80-MC-025
Charles A. Ray, Sr.
121 East South Street
Loan Amount: $44,750.00

d. Case Number: B-80-MC-026
Charles A. Ray, Sr.
120 East Lenoir Street
Loan Amount: $15,000.00

e. Case Numbers: B-80-MC-027
B-81-MC-008
Charles A. Ray, Sr.
805 South Person Street
Loan Amount: $15,100.00

Consent Agenda approval: Upchurch/Edwards - 8 ayes.

E. M. JOHNSON WATER PLANT EXPANSION - RETAINAGE REDUCTION - AUTHORIZED

The Public Utilities Department has received requests from Constructors, Inc., the general contractor for the E. M. Johnson Water Plant Expansion, requesting reduction of contract retainage. This has been discussed with Olsen Associates, and they concur that Constructors' progress to date is approximately eighty percent complete. It is requested that the City Council authorize reduction of retainage, in increments determined by the Public Utilities Director, to a point no less than five percent of the value of completed work. This will allow for some continued latitude in assuring the contractor's performance by providing for some incremental reduction of retainage to that five percent level. ADMINISTRATION RECOMMENDS APPROVAL OF THE RETAINAGE REDUCTION AS OUTLINED. Consent Agenda approval: Upchurch/Edwards - 8 ayes.

TOBACCO ALLOTMENT - SALE - AUTHORIZED

Last year, the Public Utilities Department acquired the Whitaker Farm, which has been incorporated into our sludge application program at the Neuse River Waste Water Treatment Plant. The purchase of land included a 3,173 pound tobacco allotment on 1.9 acres. Recent changes in the tobacco support program indicates that non-producers should sell their outstanding allotment. We are non-producers of tobacco and it would be the City's desire to sell it poundage. This sale would make us in compliance with changes in the tobacco program. IT IS RECOMMENDED THAT THE CITY COUNCIL AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO PURSUE THE NECESSARY LEGAL PROCEDURE FOR THE PUBLIC SALE OF 3,173 pounds of tobacco allotment. Consent Agenda approval: Upchurch/Edwards - 8 ayes.

TAXICAB OWNER'S PERMITS - APPROVED ON SECOND AND FINAL READING

During the January 18, 1983, Council Meeting the following applications for Taxi Owner's Permits were approved on a first reading:

Clarence Lee Howard, Rainbow Cab Company (individual owner's permit) and Jimmie Earl Williams, Ebony Cab Company (renewal of individual owner's permit). ADMINISTRATION RECOMMENDS APPROVAL OF THESE APPLICATION ON A SECOND AND FINAL READING. Consent Agenda approval: Upchurch/Edwards - 8 ayes.

INFORMATIONAL ITEMS - RECEIVED

The Agenda indicated the Manager has approved the rent-free use of the Civic Center for the Golden Years Spring Banquet on April 7, 1983, and the Golden Years Christmas Banquet on December 13 and 14 1983.

The Agenda also indicated the City Manager has administratively approved a CETA contract with Capitol Insulation Company which provides training for one person. The contract period is for six months and would have a total CETA cost of $4,160.

Without discussion, the items were received as information.

E. M. JOHNSON WATER PLANT EXPANSION - CHANGE ORDER G-4 - APPROVED - FUNDS APPROPRIATED

Change Order G-4 with Constructors, Inc. relating to the E. M. Johnson Water Plant Expansion which is an addition of $7,524 was presented. The reason for the change order and the budget accounts to be amended, if the change order is approved, were outlined on the Agenda. ADMINISTRATION RECOMMENDS APPROVAL OF THE CHANGE ORDER AND THE TRANSFER AS OUTLINED. Consent Agenda approval: Upchurch/Edwards - 8 ayes. See Resolution 150 TF 23.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of Administrative Transfers which have been authorized according to Council procedure. CONCURRENCE WITH THE MANAGER'S RECOMMENDATION ON THE ADMINISTRATIVE TRANSFERS IS RECOMMENDED. Consent Agenda approval: Upchurch/Edwards - 8 ayes. The transfers were as follows:

FROM	TO	AMOUNT
03-2-5400-236	03-2-5400-137	$280.00
01-2-5100-254	01-2-5100-211	600.00
37-2-1000-100	37-2-2650-209	343.59
37-2-1000-100	37-2-3100-101	20.81
01-2-3020-260	01-2-3020-700	218.00
06-2-7100-002	06-2-7010-213	250.00
42-2-9010-610	42-2-9010-213	150.00
42-2-9010-610	42-2-9010-213	215.00
06-2-7030-258	06-2-7030-772	956.00
01-2-1100-265	01-2-1100-710	210.00
43-2-4090-226	43-2-4090-213	91.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS - RESOLUTION ADOPTED

The Agenda outlined RECOMMENDED TRANSFERS WITHIN VARIOUS ACCOUNTS FOR PURPOSES AS STATED THEREIN. Consent Agenda approval: Upchurch/Edwards - 8 ayes.

RESOLUTION NO. (1982) 150 TF 23

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 29, 1982, and included in the budget for the fiscal year ending June 30, 1983, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From:		
43-2-4050-100	C. D. Acquisition	14,000.00
To:		
43-2-4050-104	ED Market Plaza Design	$14,000.00
Purpose: To fund contract with Bell Design.		
From:		
84-2-1060-000	E.M. Johnson Plant Expansion	7,524.00
To:		
84-2-1060-101	EMJ General	7,524.00
Purpose: Change Order - E.M. Johnson Water Plant Expansion - #G4, Constructors, Inc.		

From:		
43-2-7090-301	Loans PHII StII	$61,889.44
43-2-7090-303	Boylan Heights	7.79
43-2-7090-304	Grants PH II StII	3,498.05
43-2-7090-305	Grants SO Park	316.88
To:		
43-2-7090-302	Loans - South Park	65,712.16

Purpose: To provide partial funding for South Park loans in process and close out CDBG #B79MC-37-0009.

From:		
43-2-4140-229	Legal Ads-RHA-Demo	$ 2,500.00
43-2-4150-229	Legal Ads-RHA-Acq. Prop.	1,897.00
To:		
43-2-4130-100	Salaries-RHA-Relo.	2,453.00
43-2-4130-101	Fringes-RHA-Relo.	392.00
43-2-4140-100	Salaries-RHA-Demo.	1,338.00
43-2-4140-101	Fringes-RHA-Demo.	214.00

Purpose: To adjust the Housing Authority CDBG budget accounts in accordance with Resolution No. 111 (1982).

From:		
06-2-7040-701	Pipe & Fittings	$ 1,430.00
To:		
06-2-7090-718	Radio Control Units	1,430.00

Purpose: To purchase three wire-line control units for use in new operations center to provide required access to radio system.

From:		
30-2-1000-100	Council Reserve	$29,771.60
To:		
30-2-3000-100	Boylan Avenue Bridge	29,771.60

Purpose: To fund change order for Boylan Bridge.

From:		
06-2-7050-227	Rep. to Other Equipment	$12,000.00
To:		
06-2-7050-225	Rep. to Bldg. & St.	12,000.00

Purpose: To provide funds for additional crushed stone to stabilize roadbeds of newly constructed Terra-Gator paths leading to recently cleared fields where sludge is applied.

From:		
34-2-3805-100	Municipal Complex	$21,880.36
To:		
34-2-3805-110	Open Office	21,880.36

Purpose: Change Order - New Municipal Building - PW 1981-8 - Alfred Williams & Company, 00P-1.

Adopted: 2/1/83

PU-1983-1 - WAKE FOREST ROAD - RESOLUTION OF INTENT ADOPTED

Administration recommended that approximately 100 feet of 12-inch water main be installed within Wake Forest Road right-of-way beginning 225 feet south of Ollie Street, southward for approximately 100 feet. The estimated cost is $2,500. An assessment would be on a front footage basis. The main is needed to fulfill annexation requirements for installing major mains. ADMINISTRATION REQUESTS THAT THE COUNCIL ADOPT A RESOLUTION OF INTENT TO UNDERTAKE PU-1983-1 AND SCHEDULE A PUBLIC HEARING FOR MARCH 1, 1983. Consent Agenda approval: Upchurch/Edwards 8 ayes.

RESOLUTION NO. (1983) 151

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefore; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water mains located and described as follows:

PU 1983-1 - Installation of 100 feet± of 12-inch water main within Wake Forest Road right-of-way beginning 225 feet south of Ollie Street (center line) southward 100 feet±.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the first day of March, 1983, at 7:00 p.m., in the Council Chamber, Room 315, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: February 1, 1983

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented recommended changes in the Traffic Code relating to bus zone use by private bus service operators, no parking on Dixie Trail and Willard Place, speed limits on Leesville/Leadmine Roads, stop sign installation on Candor Lane at South Swain Street and yield sign installation on Armstrong Circle at Quince Drive. ADMINISTRATION RECOMMENDS APPROVAL OF THE TRAFFIC CHANGES AS OUTLINED. Consent Agenda approval: Upchurch/Edwards - 8 ayes.

ORDINANCE NO. (1983) 60

AN ORDIANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 2 entitled "STOP SIGN INSTALLATION" be amended by adding the following:

Candor Lane at South Swain Street

Section 2. That Schedule No. 3 entitled "YIELD SIGN INSTALLATION" be amended by adding the following:

Armstrong Circle at Quince Drive

Section 3. That Traffic Schedule No. 5A4 entitled "SPEED LIMITS" be amended by adding the following:

Leesville Road from a point 1,200 feet north of North Hills Drive to Leadmine Road
Leadmine Road from Leesville Road to Lynn Road

Section 4. That Traffic Schedule No. 5A6 entitled "SPEED LIMITS" be amended by adding the following:

LEADMINE ROAD FROM LYNN ROAD TO SIX FORKS ROAD

Section 5. That Traffic Schedule No. 5A6 entitled "SPEED LIMITS" be amended by adding the following:

Leadmine Road from a point 1,320 feet south of Lynn Road to Wedgeland Drive

Section 6. That Traffic Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Dixie Trail, east side, from Mayview Road, northward 215 feet
Willard Place, south side, in its entirety

Section 7. Add to the entry in Traffic Schedule No. 19 which reads "Hargett Street, north side, from a point 115 feet west of Wilmington Street, westward, 79 feet," the following words:

"(Raleigh Transportation Service and Archie's Bus Company)"

In the same schedule, add to the entry which reads, "Hillsborough Street, SW, at Enterprise, 60-feet, *" the following words:

"(Raleigh Transportation Service)"

Add the following entries to the same Traffic Schedule:

Hillsborough Street, south side, from a point 28 feet west of Gardner Street westward, 100 feet. (Raleigh Transportation Service)
Davie Street, south side, from Fayetteville Street Mall eastward 40 feet

Section 8. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. That this ordinance shall become effective February 8, 1983.

Adopted: 2/1/83

Effective: 2/8/83

END OF CONSENT AGENDA

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

PLANNING COMMISSION - CONSENT AGENDA - APPROVED AS AMENDED

Mayor York presented the Planning Commission Consent Agenda indicating this would be handled in the same manner as the regular Consent Agenda. Mr. Edwards REQUESTED THAT CR-1839 (TC-225) and CR-1848 (Z-25-83) BE WITHDRAWN FROM THE CONSENT AGENDA. Mr. Jordan requested THAT CR-1846 (Z-23-83) BE WITHDRAWN FROM THE CONSENT AGENDA. Without objection, these items were withdrawn. Mr. Calloway MOVED THAT THE PLANNING COMMISSION'S RECOMMENDATION ON THE REMAINING ITEMS ON THE CONSENT AGENDA BE UPHELD. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. The items on the Consent Agenda were as follows:

PA-159 - SAWMILL OFFICE BUILDING - APPROVED

This was a request for approval to construct a 12,000 square foot office building on a 0.92 acre parcel, zoned Office and Institution-III. The site is currently undeveloped.

The property is located at the northwest corner of Six Forks Road and Sawmill Road.

CR-1832 from the Planning Commission recommended that this request be approved according to a map entitled, "Sawmill Office Building," the property of Franklin Lee Homes, drawn by Capitolandesign and James R. Billups, dated November 22, 1982. Consent Agenda approval: Calloway/Keller - 8 ayes.

S-161-82 - BROUGHTON FARM - APPROVED WITH CONDITIONS

This was a request for approval to subdivide an 80.37 acre parcel into 45 lots. The property is zoned Office and Institution-III, Industrial-I and Residential-6. The site is undeveloped.

The property is located on the east side of Highway US 1 North and Oak Forest Road, outside the City Limits.

CR-1833 from the Planning Commission recommended that this request be approved according to a map entitled, "Broughton Farm," the property of Robert B. Broughton, drawn by Doggett Architects, dated January 17, 1983, with the following conditions: (1) That the developer verify to the City that the private sewage treatment plant has adequate capacity to serve the additional area; and (2) that the developer submit to the City evidence that the plant owner agrees to accept and treat the additional flow. Consent Agenda approval: Calloway/Keller - 8 ayes.

PA-160 - BROUGHTON FARM - APPROVED WITH CONDITIONS

This was a request to construct a 41-foot public street across a 50-foot strip of land zoned Office and Institution-III.

The property is located on the east side of Highway US 1 North at the intersection of US 1 North and Oak Forest Road, outside the City Limits.

CR-1834 from the Planning Commission recommended that this request be approved according to a map entitled, "Broughton Farm," the property of Robert B. Broughton, drawn by Doggett Architects, dated January 17, 1983, with the condition that detailed grading plans for the road be prepared and approved by the City Administration prior to recording the final plats or obtaining building permits. Consent Agenda approval: Calloway/Keller - 8 ayes.

S-164-82 - BAINBOROUGH - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 78.8 acre parcel into 47 lots. The parcel is zoned Office and Institution-III, Industrial-I and Residential-6. The site is undeveloped.

The property is located on the east side of US 1 North, just north of Oak Forest Road, outside the City Limits.

CR-1835 from the Planning Commission recommended that this request be approved according to a map entitled, "Bainborough," the property of Robert B. Broughton, drawn by Doggett Architects, dated January 17, 1983, with the following conditions: (1) That the developer verify to the City that the private sewage treatment plant has adequate capacity to serve the additional area; and (2) that the developer submit to the City evidence that the plant owner agrees to accept and treat the additional flow. Consent Agenda approval: Calloway/Keller - 8 ayes.

PA-161 - BAINBOROUGH - APPROVED WITH CONDITIONS

This was a request for approval to construct a 41-foot public street across a 50-foot strip of land zoned Office and Institution-III.

The property is located on the east side of US 1 North, just north of Oak Forest Road, outside the City Limits.

CR-1836 from the Planning Commission recommended that this request be approved according to a map entitled, "Bainborough," the property of Robert B. Broughton, drawn by Doggett Architects, dated January 17, 1983, with the condition that detailed grading plans for the road be prepared and approved by the City Administration prior to recording plats or obtaining building permits. Consent Agenda approval: Calloway/Keller - 8 ayes.

SC-181 - COMFORT INN SIGN (SIX FORKS MOTEL) - APPROVED

This was a request for approval to construct two (2) 30 square foot signs on an existing building located on a parcel zoned Shopping Center. No freestanding sign is requested.

The property is located on the east side of Six Forks Road, just north of the Beltline, inside the City Limits.

CR-1838 from the Planning Commission recommended that this request be approved according to a drawing entitled, "Comfort Inn Sign (Six Forks Motel)," the property of Carolina Services and Real Estate, drawn by Art Sign, dated December 14, 1982. Consent Agenda approval: Calloway/Keller - 8 ayes.

REZONING Z-16-83 - SIX FORKS AND NEWTON ROADS - APPROVED

This was a request for approval to rezone approximately 1.7 acres from Office and Institution-III to Office and Institution-II.

CR-1842 from the Planning Commission recommended that Z-16-83 be approved as requested. Consent Agenda Approval: Calloway/Keller - 8 ayes. See Ordinance 61 ZC 114

REZONING Z-18-83 - SIX FORKS ROAD - DENIED

This was a request for approval to rezone approximately 17.75 acres from Residential-4 to Residential-6.

CR-1843 from the Planning Commission recommended that Z-18-83 be denied. Consent Agenda approval: Calloway/Keller - 8 ayes.

REZONING Z-24-83 - SPRING FOREST ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately five (5) acres from Residential-4 to Residential-10.

CR-1848 from the Planning Commission recommended that Z-24-83 be approved as amended; that is, that the property contained in Z-24-83 be rezoned to Residential-6 with the exception of a 50-foot buffer strip to remain Residential-4 along the southern property line. Consent Agenda approval: Calloway/Keller - 8 ayes.

REZONING Z-27-83 - EAST OF US 1 NORTH - APPROVED - ORDINANCE ADOPTED AND HOMESTEAD PARK DRIVE

This was a request for approval to rezone approximately ten (10) acres from Industrial-I to Conservation/Buffer. The request consists of a proposed 100-foot Conservation/Buffer district adjacent to Berkshire Downs subdivision and a proposed 50-foot Conservation/Buffer district adjacent to Homestead Village Mobile Home Park.

CR-1850 from the Planning Commission recommended that Z-27-83 be approved as requested. Consent Agenda approval: Calloway/Keller - 8 ayes. See Ordinance 61 ZC 114.

REZONING REQUEST FOR WAIVER OF TWO-YEAR ZONING WAITING PERIOD
(Z-65-81) - APPROVED

This was a request that the two-year zoning waiting period on Zoning Case Z-65-81 be waived.

CR-1851 from the Planning Commission recommended that this request for waiver be granted as described in the letter and depicted on the map attached to CR-1851. Consent Agenda approval: Calloway/Keller - 8 ayes.

END OF PLANNING COMMISSION CONSENT AGENDA

TC-225 - NEW OFFICIAL ZONING MAPS - APPROVED - ORDINANCE ADOPTED

This was a request that Section 10-2111, "Zoning Map - Identification," which refers to the present official zoning map, adopted January 12, 1978, be amended. Chairman Graham presented CR-1839 from the Planning Commission in which the Planning Commission RECOMMENDED THAT TC-225 BE ADOPTED AS AMENDED IN THE MEMORANDUM ATTACHED TO CR-1839. Mr. Edwards indicated that he requested that this item be withdrawn from the Consent Agenda indicating there were two or three property owners that requested that their property remain as it is presently zoned. He indicated one was on the Durham Highway and the other related to one parcel owned by the State of North Carolina. Mr. Chapman indicated the Planning Commission met with the various property owners relating to the US 70 West property, and after study, the Planning Commission recommends that they remain as they are presently zoned. He indicated the request of the State to have the one property zoned as it is presently zoned was also honored and reflected in the map.

Mr. Walters indicated he always has a problem with the official zoning map. He questioned if by approving these maps, the City Council is saying that the zoning that exists on a property as shown on the maps is the official zoning unless contrary evidence is presented. He questioned if the zoning maps are a legal document. He stated he feels it is an error to make this document the official zoning of a property when the Council knows full well that there are errors. He indicated anytime people draw maps, they will make errors. Mr. Edwards indicated he too was concerned, but he knew that a lot of time and work went in checking into producing these maps. He indicated the Planning Department has researched all available information. He pointed out the City has always had an official zoning map, and these maps will become the official map, and if an error is discovered, then the property owner will petition through the zoning procedure for changes. Mr. Walters indicated he is really concerned about the errors that are in favor of the property owner and that property owner takes advantage of the error on the zoning map. He indicated if the Council takes the attitude that these zoning maps are correct unless contrary evidence is presented and then the Council could consider the contrary evidence. Mr. Upchurch indicated the City and citizens will be able to interpret the new maps better. After other discussion, Mr. Edwards pointing out that no one knew there was an error in these maps that the maps are drawn to the best of everyone's knowledge. Mr. Edwards moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 62 TC 175

AN ORDIANNCE TO AMEND SECTION 10 OF THE CODE OF THE CITY OF RALEIGH ENTITLED "ZONING"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10-2111 of the Code of the City of Raleigh entitled "Zoning Map - Identification" be amended by adopting the new catalog of one inch equals four hundred feet (1" = 400') scale zoning maps. The section will read as follows:

> "The set of maps entitled 'Zoning Maps of the City of Raleigh,' and dated November, 1981, embracing the area within the City Limits and the area outside the City Limits comprising the extraterritorial jurisdiction of the City as provided in Part 14, Section 14-1008 of this Code, are hereby declared to be the official zoning maps of the City, superceding other official zoning maps heretofore adopted by the Council. All changes in the official zoning maps of the City which may be made hereafter by ordinance shall be identified by inserting upon the original tracings a record of each change together with the date thereof. A copy of these maps and changes thereon will be kept in the City Clerk's Office and the Planning Department. All revisions to the maps will be numbered, dated and signed by the Clerk."

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption, February 1, 1983.

Adopted: 2/1/83

Effective: 2/1/83

REZONING Z-23-83 - WAKE FOREST ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately one acre from Office and Institution-II to Neighborhood Business. Chairman Graham presented CR-1846 from the Planning Commission in which they recommended that the request be denied. Mr. Edwards pointed out this is a small lot in a large tract of undeveloped property. He indicated he looked at this and wondered how it could be developed compatible with the larger tract. He stated personally he did not see how neighborhood business development would be detrimental in this area. Mr. Graham indicated the Planning Commission considered the zoning of the area and stated as far as developing a small O&I tract that that is what has occurred next door. He stated this is a small lot between two existing office buildings, and they found no difficulty in office development on a small lot. Mr. Upchurch indicated he had struggled with this at length pointing out he knew the Council was considering some type mixed zoning. He stated in light of that maybe we should refer this to Committee as he feels that this could be an example of a mixed use zoning area. He stated, however, he could vote on it today. After brief discussion Mr. Upchurch moved that Z-23-83 be referred to Law and Finance Committee. His motion was seconded by Mr. Edwards. Mr. Walters gave the history of this tract of land and pointed out the CAC nor the adjoining property owners had any problem with the request. He stated he didn't see any reason why we could not have mixed use on this area. Mr. Jordan made a substitute motion THAT THE PROPERTY COVERED BY APPLICATION Z-23-83 BE REZONED TO NEIGHBORHOOD BUSINESS AS PETITIONED. His substitute motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative except Mr. Keller who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 61 ZC 114.

REZONING Z-25-83 - LITCHFORD ROAD/ROWLAND ROAD - REFERRED TO COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval to rezone approximately 35 acres from Residential-4 to Residential-10. Planning Commission Chairman Graham presented CR-1848 in which the Planning Commission recommends that Z-25-83 be approved as amended; that is, that the property contained in the application be rezoned to Residential-6.

Mr. Edwards indicated the Council Members all received a letter outlining points in favor of the Residential-10 zoning pointing out one of the questions was the sewer ability of this property. He indicated he had talked with the Public Utilities Director and the Engineer of records on the project and understands that this land can be sewered by gravity flow into the North Ridge Outfall and there is adequate capacity to handle it there. He explained the surrounding zoning and pointed out he feels that if the property is developed R-10 there is land that will be left in its natural stated for amenities for the area. He explained that the Council is looking at higher density residential and maybe R-10 is a way to get the density we need in this area. Therefore, he would move that the property be rezoned to Residential-10. His motion was seconded by Mr. Jordan. Mr. Walters indicated he would have to vote against it at this time pointing out he is not necessarily against the property being rezoned Residential-10, but he just could not support it at the time. Mr. Edwards again stated he felt the property should be Residential-10; however, he would have no objection to putting it into a Committee. The feeling of the neighborhood was discussed briefly with Mr. Edwards pointing out the closest residences are 1,500 to 2,000 feet from this land and he feels that is ample protection. After other discussion, Mr. Jordan made a substitution motion THAT REZONING Z-25-83 BE REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE. His substitute motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REZONING Z-3-83 - MORING STREET - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately three acres from Residential-6 to Industrial-II. Chairman Graham presented CR-1840 in which the Planning Commission recommends THAT APPLICATION Z-3-83 BE APPROVED AS AMENDED; THAT IS, IT BE APPROVED AS REQUESTED WITH A 20-FOOT CONSERVATION/BUFFER ALONG THE PROPERTIES ADJACENT TO THE SURROUNDING RESIDENTIAL-6 PROPERTIES TO THE SOUTH AND EAST. Planning Director Chapman explained the request. Mr. Jordan questioned if this is not a large tract of land and part of the tract was left out of the petition. Mr. Chapman indicated there is a portion of the property not included in the case, so it would remain Residential-6 pointing out it was not included in the application. Mr. Jordan stated he had no problem with the recommendation except he saw no reason to have a 20-foot Conservation/Buffer adjacent to a vacant lot to the east that is owned by the same property owner. Discussion took place with Mr. Keller indicating the people in this area are just discouraged and feel there is no way they can fight City Hall. He indicated they do not support this rezoning or the recommendation by the Planning Commission but have indicated they just gave up. He stated he would just have to vote against the recommendation of the Planning Commission, and he feels the suggestion motion by Mr. Jordan to leave off part of the Conservation/Buffer would just further erode the area. After brief discussion, Mr. Calloway moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative except Mr. Keller who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 62 TC 175.

REZONING Z-15-83 - SIX FORKS ROAD - APPROVED AS AMENDED

This was a request for approval to rezone approximately four (4) acres from Residential-6 to Office and Institution-I and Conservation/Buffer (a 20-foot strip adjacent to the rear property lines). Chairman Graham presented CR-1841 from Planning Commission in which they recommended that Z-15-83 be approved amended; that is, that Z-15-83 be approved as requested with an additional 10-foot Conservation/Buffer added to the front of the property bordering on Six Forks Road.

Mr. Graham explained the Conservation/Buffer along Six Forks Road. Mr. Jordan MOVED THAT THE PROPERTY BE REZONED TO OFFICE AND INSTITUTION-I WITH A 35-FOOT CONSERVATION/BUFFER ADJACENT TO REAR PROPERTY LINES AND A 10-FOOT CONSERVATION/BUFFER ON THE FRONT OF THE PROPERTY BORDERING SIX FORKS ROAD AND ON THE NORTH OF THE PROPERTY. His motion was seconded by Ms. Babb. Mr. Edwards pointed out when the corner lot - Six Forks and Millbrook was rezoned, it was his opinion that the zoning should stop at that point. He indicated maybe the Council made a mistake by not having a buffer along the northern property line. He indicated there is some O&I-I to the north, but it abuts the water storage tank. He stated he has some problems about extending the zoning any further up Six Forks Road. He pointed out the O&I-III in the Triangle was a very unusual case as it had the complete support of the neighborhood. He indicated he would have to oppose this rezoning as recommended by the Planning Commission or Mr. Jordan's motion. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Mr. Edwards and Mr. Keller who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 61 ZC 114.

REZONING Z-20-83 - FALLS OF NEUSE ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 1.4 acres from Residential-4 to Office and Institution-II. The property is located on Falls of Neuse Road, west side, between Hunting Ridge Road and Lake Forest Drive. Chairman Graham presented CR-1844 from the Planning Commission in which the Planning Commission recommends THAT REZONING A-20-83 BE APPROVED WITH A 20-FOOT CONSERVATION/BUFFER ADDED ALONG THE WEST PROPERTY LINE ADJACENT TO THE RESIDENTIAL-4 PROPERTY. Mr. Jordan moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Calloway. Mr. Upchurch indicated he is concerned about the O&I-II zoning as that will allow motels. He questioned why O&I-I was not considered. Mr. Graham indicated it was considered but the Planning Commission felt the size of the lot would preclude a hotel or motel and site plan approval would be required in O&I-II. Planning Director Chapman indicated the North Planning District guidelines were followed in that they felt that this property should be a plan approval zone and the size of the lot would preclude O&I-III development. Mr. Upchurch questioned if plan approval would allow the Council to vote against a hotel or a motel with Mr. Chapman indicating it would not. Discussion took place after which Mr. Upchurch made a substitute motion that the property covered by rezoning application Z-20-83 be rezoned to O&I-I. His substitute motion was seconded by Mr. Walters and put to a vote with results as follows: Ayes - Upchurch, Walters, and Keller; noes - Edwards, Babb, York, Jordan, and Calloway. The Mayor ruled the motion defeated. The original motion to uphold the Planning Commission was put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 61 ZC 114.

REZONING Z-21-83 - MEMORY LANE - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval to rezone approximately 20 acres from Residential-6 to Office and Institution-I. Chairman Graham presented CR-1845 from the Planning Commission which recommended that Z-81-83 be denied without prejudice. Brief discussion took place after which Mr. Upchurch MOVED THAT Z-21-83 BE REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REZONING Z-26-83 - LITCHFORD ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 56 acres from Residential-1 to Residential-6. Chairman Graham presented CR-1849 in which the Planning Commission RECOMMENDS THAT Z-63-83 BE APPROVED AS REQUESTED. Mr. Edwards moved that the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative except Mr. Walters and Mr. Upchurch who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 61 ZC 114

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Moring Street, east side, between Maywood Avenue and Prospect Avenue (unopened), being a portion of Parcel 115, Tax Map 578, approximately 3 acres rezoned to Industrial-II District with a 20 foot Conservation/Buffer along the boundaries adjacent to the surrounding Residential-6 properties to the east. (Z-3-83)

(b) Six Forks Road, east side, between Millbrook Road and Sandy Forks Road, being Parcels 787-792, Tax Map 379, approximately four acres rezoned to Office and Institution-I with an additional 10 foot Conservation/Buffer added to the front and north sides of the property and a 35 foot Conservation/Buffer added to the rear of the property, according to map on file in the City of Raleigh Planning Department. (Z-15-83)

(c) Six Forks and Newton Roads, northeast corner of the intersection, being Parcel 515, Tax Map 324, approximately 1.7 acres rezoned to Office and Institution-II District. (Z-16-83)

(d) Falls of Neuse Road, west side, between Hunting Ridge Road and Lake Forest Drive, being Parcels 133-135, Tax Map 352, approximately 1.4 acres rezoned to Office and Institution-II District. (Z-20-83)

(e) Wake Forest Road, west side, between Bland Road and Ollie Street, being Parcel 108, Tax Map 409, approximately one acre rezoned to Neighborhood Business. (Z-23-83)

(f) Spring Forest Road, south side, between Quail Ridge Road and Old Wake Forest Road, being Parcel 3, Tax Map 381, approximately five acres rezoned to Residential-6 with the exception of a 50 foot buffer strip to remain Residential-4 along the southern property line, according to map on file in the City of Raleigh Planning Department. (Z-24-83)

(g) Litchford Road, east side, between Falls of Neuse Road and Gresham's Lake Road, being Parcels 12, 13, 14, 166 and 191, Tax Map 304, approximately 56 acres rezoned to Residential-6 District. (Z-26-83)

(h) East of U.S. 1 North, between Perry Creek Road and Homestead Park Drive being a portion of Parcel 5, Tax Map 328, approximately ten acres rezoned to Conservation/Buffer (a 100 foot C/B district adjacent to Berkshire Downs Subdivision and 50 foot C/B district adjacent to Homestead Village Mobile Home Park) according to map on file in the City of Raleigh Planning Department. (Z-27-83)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of adoption, February 1, 1983.

Adopted: 2/1/83

Effective: 2/1/83

COMMITTEES COMMISSIONS AND BOARDS

HUMAN RESOURCES AND RELATIONS ADVISORY COMMITTEE - APPOINTMENTS MADE

The City Clerk indicated the term of Norman C. Camp, III expires March 17, 1983. The Council has received a resignation from David Williams, therefore, there are two vacancies. Nominations include Mr. Camp and Frank Brooks. Nominations have not been closed. There being no further nominations, Mr. Calloway MOVED THAT NOMINATIONS TO THE HUMAN RESOURCES AND RELATIONS ADVISORY COMMITTEE BE CLOSED AND THE TWO APPOINTED BY ACCLAMATION. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

GREENWAY COMMISSION - YOUTH COUNCIL REPRESENTATIVE - APPOINTED

The City Clerk reported the term of Youth Council Representative Lynn Jacobs expires February 17. The Youth Council recommends the appointment of Elizabeth Thompson, 1005 Manchester Drive, a junior at Broughton High School. Mr. Walters MOVED THAT THE COUNCIL SUSPEND THE RULES AND NOMINATE AND APPOINT ELIZABETH THOMPSON BY ACCLAMATION. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

APPEARANCE COMMISSION - BETSY BRADSHAW - REAPPOINTED

The City Clerk indicated the term of Betsy Bradshaw expires February 17, 1983. She was nominated by Mr. Edwards for reappointment and nominations have not been closed. Mr. Walters indicated he had a nominee but he realizes Ms. Bradshaw has done an outstanding job; therefore, he would withhold his nominee and MOVED THAT NOMINATIONS TO THE APPEARANCE COMMISSION BE CLOSED AND MS. BRADSHAW REAPPOINTED BY ACCLAMATION. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

FAIR HOUSING HEARING BOARD - NO ACTION TAKEN

The City Clerk indicated the terms of Margaret Winter and Jack Andrews expires March 17, 1983. Neither are eligible for reappointment because of length of service. The term of Frank Roberts also expires March 17. Mr. Roberts has been nominated for reappointment. Mr. Keller indicated he had been contacted by Margaret Winter and she was unaware that she was not eligible for reappointment. The City Clerk was asked to verify if she is or is not eligible for reappointment and to contact Ms. Winter. Mr. Jordan indicated Fred O'Neil has replaced Jack Andrews and although the ordinance establishing the Fair Housing Board does not indicate that we should have a representative from the Realtors, he plans to contact Mr. O'Neil and see if he can recommend someone. No further action was taken.

YOUTH COUNCIL ADVISORY BOARD - NO ACTION TAKEN

The City Clerk indicated the Council received a letter of resignation from Steve Rea effective January 7, 1983. No nominations have been made. No nominations were made.

FIREMEN'S RELIEF FUND - BOARD OF TRUSTEES - APPOINTMENTS MADE

The City Clerk indicated the term of Chief R. E. Keith expired February 3, 1983. Nominations include Mr. Keith and Tom Kuster. Nominations have not been closed. Mr. Walters moved that nominations to the Firemen's Relief Fund Board of Trustees be closed. Without objection, the nominations were closed. A ballot vote resulted as follows: Kuster - 1 (Babb); Keith - 7 (Walters, Upchurch, Edwards, Keller, Calloway, York, and Jordan). The Mayor announced the reappointment of R. E. Keith to the Firemen's Relief Fund Board of Trustees.

Mr. Walters indicated he had been advised that the new chief is anxious to serve as an exofficio member. He stated this comment is secondhand as he has not talked to Mr. Kuster. Mr. Edwards indicated he too had received several calls and there is a desire to keep Mr. Keith on the Board for a period of time to give the new chief an opportunity to gradually move in. He stated no one has any problem with the new chief but it is felt it would be good to continue with Mr. Keith. Brief discussion took place as to whether Mr. Kuster would automatically become an exofficio member of the board of trustees with the City Attorney indicating he should be designated if that is the Council's desire. After other discussion, Mr. Keller MOVED THAT CHIEF TOM KUSTER BE DESIGNATED AS AN EXOFFICIO MEMBER OF THE FIREMEN'S RELIEF FUND - BOARD OF TRUSTEES. His motion was seconded by Mr. Edwards and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

RALEIGH HOUSING AUTHORITY - NOMINATIONS MADE

The City Clerk reported the term of William DeBrito expires April 4, 1983. He is eligible for reappointment. Mr. Jordan nominated Mr. DeBrito. No further action was taken.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

PARKING PROBLEMS - RONALD DRIVE - TO BE REFERRED TO STATE

Chairman Jordan reported the Law and Finance Committee RECOMMENDS THAT ADMINISTRATION BE DIRECTED TO ADVISE THE STATE DEPARTMENT OF TRANSPORTATION OF THE PROBLEM/CITIZEN COMPLAINT RELATIVE TO PARKING ON RONALD DRIVE. He pointed out part of this street is outside the City Limits and he understands that the problem is extremely bad on Friday and Saturday nights and apparently it involves employee parking on the street. The motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

PUBLIC NUISANCE COST CONFIRMATION - 2708 WYNCOTE - RESOLUTION CONFIRMING CHARGES ADOPTED; NO CHANGE IN POLICY ON PUBLIC NUISANCES IN WINTER

Chairman Jordan reported the Law and Finance Committee RECOMMENDS ADOPTION OF A RESOLUTION CONFIRMING CHARGES IN THE AMOUNT OF $115 AGAINST 2708 WYNCOTE DRIVE IN THE NAME OF VICTOR AND BARBARA OKAH, AND FURTHER RECOMMENDS NO CHANGE IN THE CITY'S POLICY ON ABATING NUISANCES IN THE WINTER MONTHS. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller. Mr. Jordan briefly explained the circumstances surrounding this case. The motion as stated was put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 152

ANIMAL CONTROL ORDINANCE - PROPOSED CHANGES - COMMENTS RECEIVED - ITEM RETAINED IN LAW AND FINANCE COMMITTEE

Chairman Jordan indicated the Law and Finance Committee would like to seek some direction from the City Council relative to the Animal Control Ordinance. He indicated Administration has reviewed the comments made and have recommended a proposed ordinance that initiates a complaint process for a public nuisance animal. Police Attorney Bryant explained the proposed changes indicating basically under our present ordinance if a dog is barking or whatever the owner would be cited. The change in the ordinance is that the owner is put on notice that the nuisance must be abated within 48 hours and if not, he could be cited and the dog could be impounded.

She indicated this also applies to other public nuisance animals. Mr. Jordan indicated it is very tough when you are dealing with people's pets. He pointed out we have a leash law and we do a good job enforcing it with the amount of personnel we have. He stated however he just has some problems and explained in his personal case that his dog is pinned up and does not bark unless another dog comes around; however, his dog is the one that would be cited as being a public nuisance. He stated he feels we may have an adequate ordinance to deal with the problem if it is enforced. He indicated we require dog owners to purchase a dog tag to help pay for the animal control enforcement procedures, but people do not buy dog tags and that is not administration's problem, it is a problem that Council has to deal with as every time administration tries to enforce the dog tag ordinance, the Council gets so much heat they put the pressure on administration to drop the enforcement procedure. Mr. Edwards indicated we do have a big problem as dogs running at large is a big problem and explained things that have happened on his property. He indicated barking dogs are a problem. He indicated everyone fears enforcement of the ordinance as no one wants to offend the citizens. He indicated maybe this should be referred back to administration and receive their input with Mr. Jordan indicating administration has studied it and the Police Attorney is at the meeting today and has made her recommendations. He indicated the problem we have is we have a tough time enforcing the ordinances that are on the books now. Mr. Walters indicated if we have an ordinance on the books, the police should enforce it. He stated if we have an ordinance that the police cannot enforce, we must have an ordinance that should be repealed. He indicated any person in the City who has a problem with dogs can take the dog owner to court. He stated we have got too much of an ordinance now, in his opinion, and we need to get it revised into a workable ordinance or repeal it in its entirety with Mr. Jordan indicating he thought he made it clear in that part of our problem is that the ordinance we have on the books now is not enforced but that it is not an administrative problem. Mr. Walters indicated if the City Manager stops enforcement of an ordinance, he wants to know about it. Mr. Jordan indicted in Law and Finance Committee there was discussion about how many people buy dog tags. He indicated City representatives at the meeting indicated a rough estimate would be only 30 percent of the people buy dog tags. Mr. Calloway indicated if we have an ordinance on the books that cannot be enforced, then something must be wrong. He pointed out another problem is that every time the trash truck goes down the street, his dog barks and he does not think that he should be cited for something caused by the City. He stated maybe the ordinance should be studied more and maybe administration and the Attorney could make some recommendations and maybe an opportunity for citizens to have input should be allowed.

City Manager Zachary indicated just yesterday he was given the results of a report done by the Humane Officers this year. He indicated the Humane Officers have tried to enforce the ordinance and would do door-to-door checks and have been accused of being gestapo agents or whatever. He stated, however, we do have a very serious program relating to animals. He indicated in the last eleven months, the Humane Officers checked 727 dogs and found 289 without tags and another 269 without rabies tags. He indicated 250 citations were issued but pointed out the big problem involves the fact that people are not getting their pets inoculated. He stated last year the City impounded over 3,000 dogs.

Mr. Walters indicated we must do something as rabies is coming to this part of the country and he feels that that is the only reason we should have an ordinance. He stated the Animal Control Ordinance has been in Committee and has been studied for over a year and nothing has been done. He stated we could study it to death. He stated he feels at this point, we should put our present ordinance in obeyance or repeal it until we come up with a workable ordinance. He stated if we have an ordinance that calls for a person to be cited for a dog "peeing on the curb" then that is absurd and he would hope the attorney would bring back some suggested ordinance along the lines being suggested by Council. He stated we have an overriding ordinance in the county and that ordinance, if enforced, would take care of rabies. He stated our police should enforce the ordinance, and we should have an animal control ordinance that takes care of problems such as rabies and not get into worrying about where a dog relieves himself. Ms. Babb indicated it is a serious problem, and she has talked with many people about it and studied our present ordinance. She stated, as a point of personal privilege, she would like to hear from Mrs. Cobb and Mrs. Lindsey who have made suggestions to change our ordinance. Without objection, this was agreed to.

Virgina Lindsey indicated, in her opinion, the scoop law is in need of clarification. She indicated her question is not whether we should have a scoop law but the fact that the one we have should be clarified. She indicated one of the big problems of the present ordinance indicates that no person can allow their animal to urinate, defecate or otherwise commit any nuisance on any street, sidewalk, park or other publicly owned area or upon private property without the permission of the owner of the property. She stated if it is public property, then the owner is the City of Raleigh, and how do you get permission from the owner without going to each person in the City. She indicated, in addition as a dog owner, she has never been swamped with calls from her neighbors indicating she had permission to let her dog relieve himself on their yard. She indicated another problem is the fact that if the dog owner does clean up the poop, then by doing so that does not negate the responsibility and the property owner can still be cited for violation of the ordinance. She explained another problem is that in cities dogs are walked on the left side of their owner; therefore, they defecate on the curb. She questioned if the curb is public or private pointing out in 99 percent of the cases, the curb is public property, but somewhere in the ordinance or in the set of definitions, there should be something to define the word "curb."

A lengthy discussion took place on the ownership of the curb with City Attorney McCormick pointing out the physical curb belongs to the City no matter who owns the underlying fee. The definition of street and curb as well as the grassy area between the sidewalk and the curb was also discussed.

Judy Cobb indicated she had been before the Council and suggested changes to the Animal Control Ordinance. She indicated before formulating her suggestion, she talked with representatives from three breeding clubs, Raleigh Dog Fanciers, The Raleigh Kennel Club, veterinarians, SPCA, a City Humane Officer, CAC groups, etc. She indicated basically she was suggesting that the leash law be amended so it applies only to dogs pointing out cat owners would be held responsible for their cat's action under the public nuisance section of the ordinance. She indicated the scoop law should be eliminated in its entirety, and this could be handled under the public nuisance section of the code if it were expanded and explained problems in the scoop law applying to undeveloped areas. She indicated another suggestion is that the dog only be required to display his dog tag as the dog has to have a rabies shot before he can get a City tag. She indicated some people have stated the clinking of the two tags together irritates the animals ears. She indicated another suggestion is that cats be required to have tags. She explained another point she had brought up is the fact that no animal should be picked up when not on a complainant's property unless the complaining party has an impartial witness, and, in addition, no judge should have the right to order an animal destroyed unless it is severely diseased or vicious. Without further discussion, it was agreed that the matter would stay in Law and Finance Committee for further discussion.

ZONING - STUDY OF MIXED USE - LAW AND FINANCE COMMITTEE TO WORK WITH VARIOUS GROUPS

Chairman Jordan indicated the Law and Finance Committee was advised that there are several groups working on various concepts relating to mixed use zoning and he would request permission of the Council to work directly with these groups. He indicated Council Members received in their Agenda packet a list of the various studies that are currently underway. Brief discussion took place on the list which was included in a memo dated January 27, 1983, from the Planning Director and included five items. Mr. Upchurch indicated the Public Works Committee has an item concerning the review of criteria used by the Board of Adjustment in granting special use permits. He indicated he wanted that item to remain in Committee with Mr. Jordan indicating that that item would remain, but the Committee just wanted Council permission to be allowed to work directly with the Planning Commission Committees working on Buffer Commercial, Conservation/Buffer Committee, Performance Standards, Highway District Zones and Planned Unit Development. On behalf of the Committee, Mr. Jordan MOVED THAT THE LAW AND FINANCE COMMITTEE BE ALLOWED TO WORK DIRECTLY WITH THE PLANNING COMMISSION AND/OR COMMITTEES ON THE ITEMS AS OUTLINED. His motion was seconded by Mr. Keller and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

CONDITIONAL SIGN USE - RALEIGH SIGN SERVICE - DENIED

Chairman Edwards reported the Public Works Committee RECOMMENDS DENIAL OF THE REQUEST FOR A ROOF SIGN AT 505 SOUTH WEST STREET AS IT DOES NOT MEET ALL CRITERIA INCLUDED IN THE SIGN ORDINANCE. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

SIDEWALK INSTALLATION - LAKE BOONE TRAIL - RESOLUTION OF INTENT ADOPTED

Chairman Edwards reported the Public Works Committee RECOMMENDS THE ADOPTION OF A RESOLUTION OF INTENT TO INSTALL SIDEWALKS ON THE NORTH SIDE OF LAKE BOONE TRAIL FROM 120 FEET WEST OF STILL FOREST PLACE TO APPROXIMATELY 200 FEET EAST OF BLUE RIDGE ROAD. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb. A brief discussion took place on the boundaries of the proposed sidewalk installation with Mr. Edwards pointing out there is a house that does not have enough right-of-way and that is why the project is to stop at the boundaries as outlined. Other discussion took place relative to the sidewalk installation on Six Forks Road. The motion as stated was put to roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) - 153

A RESOLUTION OF INTENT TO MAKE SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND TO SET A PUBLIC HEARING

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require sidewalk improvements without petition under the conditions therein set out; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following sidewalk improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

Installation of sidewalks on the northside of Lake Boone Trail from 120 feet west of Still Forest Place to approximately 200 feet east of Blue Ridge Road.

Section 2. Sidewalk improvements shall be assessed according to property frontage on the improvements and shall be assessed by an equal rate per foot of such frontage. If it is determined that a sidewalk shall be constructed on only one side of the street, the cost thereof may be assessed property abutting on both sides of the street by an equal rate per foot of frontage, unless there already exists a sidewalk on the other side of the street, the total cost of which was assessed abutting property.

Section 3. That the terms and manner of payment of sidewalk improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in equal annual installments, such installments to bear interest at the rate of 6 percent per annum on any unpaid balance.

Section 4. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 5. That a public hearing on all matters covered by this resolution shall be held on Tuesday, March 1, 1983, in the Council Chamber, Municipal Building, Room 315, at 7:00 P.M., or as soon thereafter as the matter can be reached.

Adopted: 2/1/83

DRIVEWAY - 3017 FARRIOR ROAD - ADMINISTRATION TO INSTALL CRUSHER RUN GRAVEL UNDER CERTAIN CONDITIONS

Chairman Edwards reported following review of this item, the Public Works Committee concluded that all appropriate city procedures had been followed. However, the Committee RECOMMENDS INSTALLATION OF CRUSHER RUN GRAVEL TO BRING THE DRIVEWAY AT 3017 FARRIOR ROAD BACK TO GRADE AS A ONE-TIME ACTION WITH THE CLEAR UNDERSTANDING THAT THE OWNER IS RESPONSIBLE FOR FUTURE MAINTENANCE. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and put to a roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

HIGHWAY RESERVATION - INFORMATION RECEIVED

Chairman Edwards reported the Public Works Committee is considering an item that would involve submittal of a local bill for highway reservation to the General Assembly. He pointed out if any Council Member has additional local bills for consideration, they should be brought forward as soon as possible. Mr. Edwards indicated the Outer Belt Loop, for example, is outside the City Limits as are other necessary roads and the City is handicapped as to handle right-of-way dedication. The item was received as information.

STREET IMPROVEMENTS - SHERMAN STREET - RESOLUTION OF INTENT ADOPTED; ADMINISTRATION TO PURCHASE NEEDED PROPERTY FOR CUL-DE-SAC

Chairman Edwards reported the Public Works Committee RECOMMENDS ADOPTION OF A RESOLUTION OF INTENT TO CONSIDER THE INSTALLATION OF CURBS, GUTTERS, AND DRAINS AS WELL AS PAVING 31 FEET BACK-TO-BACK ON SHERMAN STREET FROM CARLTON STREET TO DEAD END AND FURTHER RECOMMENDS THAT ADMINISTRATION BE AUTHORIZED TO PURCHASE NEEDED PROPERTY IN ORDER TO INSTALL A CUL-DE-SAC AT THE DEAD END. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. 1983 - 154

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require street improvements without petition under the conditions therein set out; and

WHEREAS, the City Council finds that improvements as described herein are necessary in the public interest; that the owners of property abutting the improvements are unwilling or have failed to sign a petition for such improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

Installation of curbs, gutters, drains and paving 31-feet back-to-back of Sherman Street from Carlton Street to dead end.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e., the cost of one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh).

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains, and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 4. That the terms and manner of payment of street improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter of the General Statutes of North Carolina.

Section 6. That a public hearing on all matters covered by this resolution shall be held on the first day of March, 1983, at 7:00 p.m., in the Council Chamber of the Municipal Building, Room 315, in the City of Raleigh, North Carolina, or as soon thereafter as the matter can be reached.

Adopted: 2/1/83

SEWER LINE - DEPTH - ORDINANCE ADOPTED

Chairman Edwards reported Council Members received in their Agenda packet A PROPOSED ORDINANCE WHICH DETERMINES THE DEPTH AT WHICH SEWER LINES WILL BE INSTALLED WHICH IS RECOMMENDED FOR ADOPTION BY THE COMMITTEE. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 63

AN ORDINANCE TO AMEND SECTION 8 OF THE CODE OF THE CITY OF RALEIGH ENTITLED "PUBLIC UTILITIES"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 8-2004 of the Code of the City of Raleigh entitled "Depth at which sewer lines to be laid; City installations" be amended and made to read as follows:

"Section 8-2004. Depth at which sewer lines to be laid; City installations.

The City shall not be obligated to install facilities to provide gravity sewer service to any floor level of any existing or proposed structure at an elevation lower than ten (10) feet below the crown of the street directly in front of the structure. Notwithstanding this provision, property owners desiring that the line be placed at a depth greater than necessary to serve a floor level ten (10) feet below the crown of the street shall be required to pay the difference in cost of laying such line at that depth and the depth at which the property owner desires the line to be laid. Such cost shall be estimated by the City based on the difference in cost for installing a line at twelve (12) feet of depth and the depth at which the property owner desires the line to be laid. Payment of the estimated cost shall be made within thirty (30) days of the date of the demand for payment or the line will be laid at a depth as if the property owner had not requested that the line be installed at a greater depth. Notwithstanding the payment of the estimated cost of the greater depth of lines, the property owner making the payment shall still be assessed for his proportionate cost of the installation of the line consistent with the normal assessment policy."

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance becomes effective for all projects authorized by City Council after July 6, 1982.

Adopted: 2/1/83

Effective: See Section 3

THE CITY COUNCIL TOOK A BREAK UNTIL 2:45 P.M.

REPORT OF THE MUNICIPAL BUILDING COMMITTEE

MUNICIPAL BUILDING - PROPOSED PARKING LOT - INFORMATION RECEIVED

F. Carter Williams presented a schematic plan as a result of the City Council's authorization to design a 500-space parking deck on the Municipal Building lot. He gave an estimated cost of $2,500,000 construction cost for the parking deck. He indicated this estimate was presented to the Council after they received bids for the Municipal Building. He indicated in the schematic planning for the parking deck, they have tried to take into account the New Municipal Building under construction and blend the exteriors and to have circular stairwells in the parking deck to coordinate with the circular City Council Chambers. He indicated it is proposed that the parking deck be of precast concrete as the structural framing. He indicated they planned special landscaping which includes a small park-like area at the corner of Morgan and Dawson Streets. He indicated the park-like area could provide for future expansion of office and/or parking years down the road if it is necessary. He explained the proposed traffic circulation indicating the main entrance at the present point is proposed to be from Morgan Street. He stated they had studied eight different traffic circulation schemes and they are continuing to study the ingress and egress. He explained the proposal they were considering at the present point, but again pointed out they plan to continue studying the traffic circulation and the points of ingress and egress. He indicated the surface parking facility now being used by the Police Department would be needed by them when they reoccupy the parking deck. He explained the lower level of the parking deck would have gas pumps and a small service element and 160 spaces for the police cars. He pointed out this area would be ventilated and meet insurance requirements for 50 percent ventilation on two walls which would eliminate the need for a sprinkler system. The plan calls for holding the parking deck back from the street so that trees and shrubs could be planted between the facility and the street. He explained the public would be able to come from the main entrance to the third level of the parking deck and come into the third level of the New Municipal Building via a covered walkway area. He stated they would like to put some cover over the top floor of the parking deck next to Dawson Street for a porch-like access to the building for access by assigned parking generally. He explained under the proposal, cars would be parked on the up ramp and this would provide for 196 spaces on the top level. He again pointed out the lower portion would be for police cars and police service facility. Mayor York questioned the circulation pointing out under the proposal presented, a car would not be able to leave by the same entrance that they came into the parking deck questioning if this would be a problem.

Mr. Edwards indicated the Municipal Building Committee wanted to bring this report to the full Council for information and comment. He explained the City DOT had some comments about the traffic movement within the deck and they are still studying this. He explained there was some concern about the number of spaces that will be available to the public. He indicated after the study, it has been determined that 305 spaces of the parking deck would be utilized by City vehicles which would leave only 184 spaces for the public use. He stated in his opinion this is not the number of public spaces that he feels will be needed in the years ahead and he would like for this item to remain in the Municipal Building Committee and let them consider, depending on funds available, designing the three level structure for a fourth level. He pointed out if this could be done, we could add 196 spaces. He stated if we did not have the funds available to add a fourth level now, we could require the deck to be built so that another floor could be added pointing out maybe the fourth level built now as well as preparing the three levels for addition of a fourth level at a later date could be bid as an alternate. Discussion took place as to where the 305 City vehicles park now and the fact that presently we have only 26 public spaces on the Municipal Building lot. After brief discussion, it was agreed to hold the item in Municipal Building Committee with the understanding that they would come back with a recommendation soon.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

HILLSBOROUGH STREET TASK FORCE - REFERRED TO WORK SESSION

Chairman Calloway reported the Comprehensive Planning Committee RECOMMENDS THAT THE HILLSBOROUGH STREET TASK FORCE REPORT, RESPONSES, AND RECOMMENDATIONS BY CITY ADMINISTRATION BE REFERRED TO THE EARLIEST POSSIBLE WORK SESSION. He indicated Council Members received in their Agenda packet a copy of the preliminary draft from the Task Force and comments and recommendations from Administration. On behalf of the Committee, Mr. Calloway moved the recommendation be upheld and SUGGESTED THAT THIS BE SCHEDULED FOR APPROXIMATELY ONE HOUR AT THE FEBRUARY WORK SESSION. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

COMPREHENSIVE PLAN - NORTH PLANNING DISTRICT UPDATE - REFERRED TO MARCH WORK SESSION

Chairman Calloway reported Council Members received in their Agenda packet a resolution endorsed by the Comprehensive Planning Committee relating to the continuing process for the North Planning District. Council Members also received "A Land Use Plan Proposal for the North Planning District," and the Comprehensive Planning Committee RECOMMENDS THAT THIS ITEM BE REFERRED TO AN EARLY WORK SESSION FOR A FULL EXPLANATION TO THE WHOLE COUNCIL. Planning Director Chapman indicated Council Members did receive information in the Agenda packet; however, they did not receive the maps. He presented Council Members with maps to go along with the North District Plan. Discussion took place with it being agreed if this suggestion is passed that this would be scheduled for a March work session. On behalf of the Committee, Mr. Calloway MOVED THAT THE NORTH PLANNING DISTRICT UPDATE BE REFERRED TO THE MARCH WORK SESSION. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

MARKET PLAZA IMPROVEMENTS - AGREEMENT WITH BELL DESIGN GROUP - APPROVED - FUNDS APPROPRIATED

Mayor York reported the Downtown Committee RECOMMENDS THAT THE CITY ENTER INTO AN AGREEMENT WITH BELL DESIGN GROUP FOR DESIGN SERVICES FOR IMPROVEMENTS TO MARKET PLAZA WITH THE UNDERSTANDING THE CONTRACT WILL NOT EXCEED $14,000. On behalf of the Committee, Mr. Edwards moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 150 TF 23.

DOWNTOWN ADVISORY GROUP - ORGANIZATION - AUTHORIZED

Mayor York indicated THE DOWNTOWN COMMITTEE RECOMMENDS THAT A GROUP ENTITLED DOWNTOWN ADVISORY COMMITTEE BE ESTABLISHED TO CONSIST OF TWENTY PERSONS WITH THE ORGANIZATION/MAKEUP AND DUTIES BE AS FOLLOWS:

1. Advise the City Council's Downtown Committee on matters relating to downtown planning,

2. Act as a means of exchanging information among member groups, views and objectives concerning downtown developments and projects between the City Council and citizens, civic organizations, business groups and others with interest in downtown,

3. Provide a mechanism to promote public awareness of downtown Raleigh's progress.

It is understood that the City Council would appoint a chairperson of this group as well as appoint three at-large members, at least one of whom would be a downtown business person. In addition, the City Council would request the following groups to suggest one of their members to serve on the Downtown Advisory Committee with the understanding these suggestions would be confirmed by the City Council. The groups to suggest an appointee would include the following:

Planning Commission
Appearance Commission
Transit Authority
Historic Property/Districts Commission
Downtown Neighborhoods Association
Central District Land Use Task Force
Moore Square Business Association
Wake Apartment Association
Downtown Raleigh Development Corporation
Capital Economic Development Corporation
Downtown Business Association
Greater Raleigh Chamber of Commerce - Visitors Bureau
North Carolina State University - School of Design
State of North Carolina Department of Administration
Raleigh Arts Council
Civic Center Advisory Board

York indicated that this would phase out the Downtown Advisory Group as well as the Central Business District Advisory Committee. Mr. Calloway questioned if the RCAC were not included with Planning Director Chapman indicating they were involved in the Central District Land Use Plan representatives. Brief discussion took place after which Mr. Edwards MOVED THE RECOMMENDATION OF THE DOWNTOWN COMMITTEE AS OUTLINED BE UPHELD. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The City Clerk was requested to contact the various groups and ask that they send their nomination as soon as possible and no later than February 22, if possible.

CITY MARKET - ARCADE PROPOSAL - INFORMATION RECEIVED

Mayor York indicated as a matter of information the Downtown Committee is requesting the Moore Square Development Group and Cranston Development Corporation to make an oral presentation on their proposals relating to the City Market/Arcade proposals. This presentation is scheduled for February 24, at 2:30 p.m. in the Council Chamber. Mayor York indicated the Committee is not asking the two developers to do additional work as the City is only asking that they come in and make an oral presentation as to what their proposal includes. He stated this is nothing like we did on the 400 block of the Mall but it is just an oral presentation of what they have already presented in writing. He stated the Committee anticipates possibly taking a minimum of two to three hours for this public meeting. The item was received as information.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

LAKE JOHNSON - BRYANT PROPERTY - INFORMATION RECEIVED

Mr. Walters reported as a matter of information that the City Attorney closed on the Bryant property on January 17, therefore, it now belongs to the City of Raleigh. The item was received as information.

SURPLUS PROPERTY - 309 SOUTH STATE STREET - TO BE SOLD BY UPSET BID METHOD

Chairman Walters reported the City has received an offer to purchase a vacant lot at 309 South State Street which is owned by the City. The Real Estate Committee RECOMMENDS THAT THE CITY COUNCIL OFFER THE PROPERTY FOR SALE THROUGH THE NEGOTIATED OFFER UPSET BID METHOD WITH A MINIMUM BID OF $2,500. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

COMMUNITY DEVELOPMENT - REUSE VALUES - ESTABLISHED

Chairman Walters reported the Real Estate Committee RECOMMENDS APPROVAL OF THE FAIR MARKET DISPOSITION VALUES OR REUSE VALUES BASED ON ONE REUSE APPRAISAL REPORT ON THE REHABILITATION OF THE FOLLOWING TWO HOUSES: 314 SOUTH SWAIN STREET - $33,500, AND 415 ALSTON STREET - $35,000. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

COMMUNITY DEVELOPMENT - FAIR MARKET ACQUISITION VALUES - APPROVED

Chairman Walters reported the Real Estate Committee recommends APPROVAL OF THE FAIR MARKET ACQUISITION VALUES BASED ON TWO ACQUISITION APPRAISAL REPORTS AND A REVIEW OF APPRAISAL REPORT OF THE FOLLOWING PROPERTY:

	Parcel	Value
a.	B0002-0028 (230) South Swain Street	$ 3,600.00
b.	B0002-0029 559 East Martin Street	$10,000.00
c.	B0002-0033 (fire damaged) 549 East Martin Street	$ 4,600.00
d.	B0002-0036 539 East Martin Street	$13,5000.00
e.	B0003-0011 504 East Martin Street	$ 9,000.00
f.	B0003-0012 508 East Martin Street	$ 7,800.00
g.	B0003-0013 510 East Martin Street	$ 7,750.00
h.	B0003-0014 512 East Martin Street	$ 7,700.00
i.	B0014-0004 211 Freeman Street	$ 9,650.00
j.	B0057-0032	$ 7,700.00
k.	B0060-0009 403 South Hayward Street	$ 8,400.00

On behalf of the Committee, Mr. Walters moved the recommendation be upheld. His motion was seconded by Mr. Edwards and put to a roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

COMMUNITY DEVELOPMENT - PROPERTY TO BE ACQUIRED BY CONDEMNATION - APPROVED

Chairman Walters reported the Real Estate Committee RECOMMEND APPROVAL OF TWO PROPERTIES TO BE ACQUIRED BY CONDEMNATION BY EMINENT DOMAIN TO CLEAR TITLE AS ADVISED BY CDBG's ATTORNEY. Mr. Walters reported the values were established by the City Council on October 5, 1982 and are as follows: 529 East Davie Street - $7,750; 531 East Davie Street - $6,300. On behalf of the Committee, Mr. Walters moved the recommendation be upheld. His motion was seconded by Mr. Edwards. Brief discussion took place as to what these properties would be used for with it being pointed out they are designated by the redevelopment plan to be acquired by the City and the City would tear the houses down and sell the land for reuse. The motion as stated was put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

COMMUNITY DEVELOPMENT - OFFERS TO PURCHASE - APPROVED

Chairman Walters reported the Real Estate Committee recommends APPROVAL OF THE OFFERS TO PURCHASE OF THE FOLLOWING PROPERTY AT THE ESTABLISHED FAIR MARKET DISPOSITION VALUES (REUSE VALUES). On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. The properties and values were as follows:

	Parcel	Value
a.	B0119-0005 (909) South Blount Street	$20,000.00
b.	B0011-0049 (Lot #2) Bladen Street	$ 3,500.00
c.	B0011-0051 (Lot #4) Bladen Street	$ 3,200.00
d.	B0011-0053 (Lot #6) Bladen Street	$ 3,500.00
e.	B0210-0004 1107 Mark Street	$ 3,500.00
f.	B0209-0012 (and Part of 13) 1106 Mark Street	$ 4,900.00
g.	B0209-0014 (and Part of 13) 1108 Mark Street	$ 4,900.00

NEW BERN AVENUE CUL-DE-SAC - INFORMATION RECEIVED

Mr. Walters indicated the City Staff presented a plan on the New Bern Avenue Cul-De-Sac and this plan and presentation will be made to the full Council on February 15, 1983. The item was received as information.

SANITARY SEWER EASEMENT - WAYNERIDGE SUBDIVISION - WITHDRAWN

Chairman Walters reported an item was referred to the Real Estate Committee relative to a request for City assistance to acquire an easement in the Wayneridge Subdivision area. He stated this has been settled and the Real Estate Committee REQUEST THAT THE ITEM RELATING TO THE EASEMENT FOR WAYNERIDGE SUBDIVISION BE REMOVED FROM THE AGENDA. On behalf of the Committee, he moved the recommendation be upheld which was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE WORK SESSION

HUMAN RELATIONS AND ADVISORY COMMITTEE - FUNCTIONS OR ROLES - CLARIFIED

Mayor York indicated the City Council in Work Session AGREED TO CONCUR WITH THE RECOMMENDATIONS ON THE FUNCTIONS AND/OR ROLE OF THE HUMAN RELATIONS AND ADVISORY COMMITTEE AS OUTLINED BY THAT COMMITTEE WHICH ARE AS FOLLOWS:

1. That the City Council refer human resources and human relations matters to HRRAC for consideration and/or recommendation.

2. That the City Council formally meet with HRRAC at a City Council Meeting twice each year, once in May and once in November to receive the out-going chairman's report as well as the in-coming chairman's report.

Mr. Upchurch moved the recommendation as read by the Mayor be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

CABLEVISION ADMINISTRATOR - CITY MANAGER TO DEVELOP JOB SPECIFICATION FOR FEBRUARY 15 MEETING: ADMINISTRATION TO DEVELOP PROPOSAL ON ADVISORY COMMISSION

Mayor York indicated during the Work Session the Council RECOMMENDED THAT THE CITY MANAGER PROCEED WITH THE DEVELOPMENT OF A JOB DESCRIPTION AND SALARY LEVEL FOR A CABLE ADMINISTRATOR AND BRING IT BACK TO COUNCIL NO LATER THAN FEBRUARY 15 AND FURTHER AGREED THAT ADMINISTRATION WOULD DEVELOP A MORE DETAILED PROPOSAL ALONG ALTERNATIVE NUMBER 3 AS SUGGESTED IN CITY MANAGER'S MEMO, DATED DECEMBER 20, RELATING TO THE ADVISORY COMMISSION AND THAT THIS WOULD BE SUBMITTED BACK TO THE COUNCIL AT A LATER DATE. Mr. Upchurch moved the recommendation as outlined be upheld. His motion was seconded by Mr. Edwards and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL LIAISON COMMITTEE

WATER - ROCKWOOD DRIVE REMOVED FROM THE AGENDA

Chairman Upchurch reported the Intergovernmental Liaison Committee RECOMMENDS REMOVAL OF THIS ITEM FROM THE AGENDA AS THE ITEM HAS BEEN REFERRED TO WAKE COUNTY. On behalf of the Committee he moved the recommendation be upheld which was seconded by Mr. Keller and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ZONING HEARING - TIME AND PROCEDURE - TRIAL PROCEDURE FOR APRIL AUTHORIZED: ITEM RETAINED IN COMMITTEE

Chairman Upchurch reported the Intergovernmental Committee is currently working on a proposed procedure change relating to zoning hearings. He stated while the Committee is working on this proposal IT IS RECOMMENDED THAT IN APRIL THERE BE ONE ZONING HEARING TO BE HELD THE THIRD TUESDAY EVENING AT 6:30 P.M. WITH THE UNDERSTANDING THAT THE MATTERS SCHEDULED FOR PUBLIC HEARING AND REQUESTS AND PETITIONS OF CITIZENS SCHEDULED FOR THAT MEETING IN APRIL BE PUT ON THE AFTERNOON PORTION OF THE AGENDA. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Walters. Mr. Calloway questioned if this would not make it inconvenient for the public with Mr. Jordan pointing out he felt that everyone could advise people that they could come to the first meeting in April or the first meeting in May if they did not want to come to an afternoon meeting. Mr. Jordan indicated he felt that if the Council Members would talk less, he feels the meetings would be shorter. Mr. Upchurch briefly explained the proposed procedure the Intergovernmental Committee is looking at, how this could be worked, and the affect on the night meetings was discussed briefly after which the motion as stated was put to a vote and passed unanimously. Brief discussion took place and it was agreed that any matter scheduled for Public Hearing or Requests and Petitions of Citizens would be put first on the afternoon section of the Agenda.

GARNER ETJ EXPANSION - ITEM REMOVED FROM THE AGENDA

Chairman Upchurch reported the Intergovernmental Liaison Committee RECOMMENDS THAT THE ITEM RELATING TO GARNER EXPANSION OF ETJ BE REMOVED FROM THE AGENDA WITH NO ACTION TAKEN. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Edwards and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

STANDARD PROCEDURE - ORNAMENTAL STREET LIGHT POLES DEPOSIT - PROCEDURE AMENDED

City Manager Zachary indicated the City's Standard Procedure on ornamental street light poles has not been revised since 1972. This procedure imposes an escrow deposit for each pole installed, thereby, providing an investment amount available for offsetting additional costs imposed by Carolina Power and Light Company for ornamental poles upon the City. The original procedure provides for a $120 deposit per pole to be invested at 5 percent, yielding a $6 return per year to cover the additional cost at that time of $6 per year. Due to rate increases and investment yield increases, the controlling factors need adjustment. The current charge is $12 per year per pole. An investment of $145 is needed at a rate of 8.5 percent to yield sufficient revenues to pay such charges. City Manager Zachary indicated Administration RECOMMENDS THAT THE ESCROW DEPOSIT FOR ORNAMENTAL POLES BE DECREASED TO $145 PER YEAR, EFFECTIVE UPON APPROVAL OF THE PROPOSAL BY COUNCIL. Brief discussion took place with City Manager Zachary explaining what constitutes an ornamental pole pointing out mainly we are talking about concrete and/or metal posts. Mr. Walters moved Administration's recommendation be upheld which was seconded by Mr. Keller and put to a roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

BOYLAN AVENUE BRIDGE - ENGINEERING FEE SUPPLEMENTAL AGREEMENT - APPROVED

The Agenda indicated the North Carolina Department of Transportation has advised the Chief Engineer that the Federal Aid Bridge Replacement Act matching funds has determined that 15 percent engineering fee, rather than 10 percent, is a more realistic cost because of the work required of the engineers. Administration, therefore, requests the Council to approve a supplemental agreement with Bigger and Agnew, Inc. increasing the engineering and inspection fee from 10 percent to 15 percent. The City would pay 20 percent of the increase and the Federal Highway Administration would pay 80 percent. The final fee will be determined upon completion of the contract but will not exceed 15 percent of the cost of the bridge and approaches and other necessary work to be done in conjunction with this project. Based on the original contract price of $848,000 the 10 percent engineering fee is $84,800 broken down to $16,960 City share and $67,840 FHA. The 15 percent breaks down as follows: City - $25,440, FHA - $101,760 for a total of $127,200. Mr. Jordan questioned if the engineer is happy with this with it being pointed out the engineer agreed to do the work at 10 percent so everyone felt that they would be very happy with the 15 percent. Chief Engineer Thomas indicated presently they are running over the 10 percent. He indicated this increase from 10 to 15 percent is not just for this project but is for the entire program in the State. Brief discussion took place as to why this has occurred, the affect on the City. MR. EDWARDS MOVED THAT ADMINISTRATION'S RECOMMENDATION AS OUTLINED BE UPHELD. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

HOUSING PROJECT NC19-P002-021 - CITY HAS NO OBJECTIONS

The Agenda indicated that Administration has been advised that a request for approval of a site in the Raleigh Community, to accommodate forty-two (42) units under the Public Housing Program, has been received in the HUD office. Pursuant to Section 213(a) of the Housing and Community Development Act of 1974, the City Council has been offered the opportunity to comment on this application or to object to its approval if it is inconsistent with the local housing assistance plan as approved by HUD. HUD solicits any comments from the Council but states, "Should, for some reason, you have any objections to approval of this site, please let us have your comments no later than thirty days after the date of the letter. If you have no objections, please notify us as soon as possible so that we can expedite completion of the review." City Manager Zachary indicated the allocation goal for this site will be exceeded by seven units if this project is approved. Brief discussion took place after which Mr. Jordan MOVED THAT THE CITY COUNCIL NOTIFY HUD THAT THE CITY HAS NO OBJECTIONS TO THIS PROJECT. His motion was seconded by Ms. Babb and after discussion on the procedure, the motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

SWIMMING POOL - BIDS - REFERRED TO LAW AND FINANCE COMMITTEE

The Agenda indicated bids on two proposed swimming pools are due on Wednesday, January 26, 1983. City Manager Zachary indicated he had sent the City Council a memo on the bids. He indicated the Council may ask the City Attorney to comment on the bids. Mayor York indicated he does not feel that the Council is in a position to make a decision to award bids today. He stated he feels this matter should be referred to the Law and Finance Committee and he would like for that Committee to hold some type public hearing so that everybody who wants to say something about pools can do so and do so in public. He indicated this would apply to those firms that are concerned about the specification and any other people who have concerns about any aspect of the swimming pool. Mayor York indicated it would be desirable for Administration and the engineer to get back together and work through the Law and Finance Committee and make a joint recommendation back to the Council explaining he would hate to see the City Council get expertise advice from two different bodies that differed; therefore, he would really hope that Administration and the engineer could get together. Mr. Walters indicated from what he had heard, read and studied, it seems that there are a lot more questions about the swimming pool bids than there were about the street sweepers that the Council had so much trouble with several years ago. He indicated he feels that what we are going to have to do is to reject all bids and rebid. He stated he would hate to see the Council refer this back to Committee and take undue time as he feels that we may be opening ourself to a suit. He indicated he does not object to getting an outside consultant but he feels at this point what we should do is to go ahead and reject the bids and get some help in respect to the specifications and rebid. In response to questioning from Mr. Edwards, Mr. Meir indicated the bids are good for 30 days from January 26. Mr. Edwards indicated he felt this matter needs to be aired and the suggestion of the Law and Finance Committee holding a public hearing is good. He indicated he has listened to various concerns as it relates to specifications pointing out there is a vehicle for bidding alternate materials and design. He stated he did not know if that procedure was followed, but the agreement does have a procedure. He stated he feels it is very important for the Council to air what they have done, where we are, differences that have come up, etc. Mr. Jordan indicated the Law and Finance Committee could schedule a public hearing next Tuesday and receive public input and later in the week schedule another Law and Finance Committee so that a recommendation could be formed and submitted back to Council at the February 15 meeting. Mr. Edwards indicated we would only be losing two weeks if we followed this procedure. Mr. Walters stated he had no objections except he feels that he needs to touch on something that was reported to him and that was that after bids were opened the bidders were told that they could bid an alternate. He stated if that is a fact, we should know that now.

Ezra Meir, the consultant on this project, indicated he would like to answer the question and make a statement. He indicated his firm was called by a contractor who stated that the City Manager had approved Meredith pools only and he advised that contractor that was not true. Mr. Meir indicated they received a number of telephone calls and they responded and made it very clear that a person could bid alternate products. Discussion took place on the problems with bidding alternatives, how it could have been or should have been handled with Mayor York indicating the specifications have an equivalent clause. The question is "What is equal?" Mr. Keller indicated he thought he had spent about as much time as anyone on Council on this matter. He stated he realized the need to get started on the swimming pools just as soon as possible and before the Council started talking about throwing all bids out, he feels that there is merit in the bid and the project can be salvaged. He stated if we sat down with everyone involved and sort through it, he feels that we can salvage the project. Mr. Edwards questioned if it is determined during this hearing that the correct procedure has been followed and we do have a qualified low bidder, if anything would prohibit the Council from negotiating with the successful low bidder and making changes to bring the project within our budget. He stated if this is allowed, he feels we will be able to salvage the project. He indicated he knew that there were many hungry contractors out there who were scrapping as they need work. Mr. Keller indicated he did not know how we could determine the low bidder as it has not been determined exactly what would be built. Mayor York indicated one of the first steps in determining low bidder is to determine who meets specifications and then a low bidder could be determined and the Council could negotiate with the apparent low bidder.

Mr. Meir expressed appreciation to the City Council for giving his company the opportunity to design the subject swimming pools. He stated he would like the records straight in regards to specifications, design and bidding procedures. He indicated he wanted to assure the Council that his company has done their homework to prepare the design and write their specification and he would hope that the Council has no doubt that their specification is a legal document within the professional, ethical restraint to serve the client's best interest. Mr. Meir assured the Council that none of the unsuccessful bidders have any legal claim against him or the City. He stated the competition among good swimming pool equipment suppliers is very rigorous and stiff as everyone has his own patents on some features and tries hard to have them specified. He stated the plans and specifications were tailored for high standard durable swimming pools and contrary to some statements in the newspaper, the records show that his company contacted at least four swimming pool builders and suppliers that are able to meet the specifications and encouraged them to bid on these pools. Mr. Meir indicated it is his understanding that all of them submitted bids through the general contractor and the high bidders were not successful. He stated his company, as designers, acted in good faith to establish a good design criteria and have not abused their discretion. He stated the results of their professional work is clearly manifested by the keen competitive bids that were received from seven qualified general contractors. The results of those bids and the alternatives has been submitted to the Council in tabulated form. The prices of some of the alternatives can clearly identify the unnecessary features that can inflate the cost of the project and it is his belief that his company's recommendation for accepting the low bid and the two alternatives are the requirements for a public swimming pool complex to serve all ages in the community for recreational, training and competitive purposes. He stated he further believes that the stainless steel rim flow gutter with stainless steel grates is the state of the art that will serve the community for a long time to come. Brief discussion took place with Mayor York suggesting that Administration work with the engineer to make a recommendation to the Law and Finance and the Law and Finance Committee can take that recommendation as well as comments at the public hearing and make a recommendation back to the full Council at the February 15, 1983 meeting. Mr. Edwards MOVED THAT THE BIDS BE REFERRED TO LAW AND FINANCE COMMITTEE FOR A PUBLIC HEARING, REPORT AND RECOMMENDATION FROM THE ENGINEER/ADMINISTRATION WITH THE UNDERSTANDING THAT THE MATTER WILL BE ON THE FEBRUARY 15, 1983, AGENDA. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

Mr. Jordan pointed out the objective of the Council is to have a swimming pool but indicated the Council may be losing sight of the fact that the swimming pool is not the only thing to be on the site. He stated from his calculations the pool represents only 46 percent of the project and the other things need to be done but are in addition to the construction of the swimming pool such as the bathhouse, access, etc. Mr. Jordan indicated the Law and Finance Committee would schedule this item for 2 p.m. on February 8 and invited all Council Members to attend. Mr. Jordan indicated for the record, he had received a number of calls from individual pool people. He stated he appreciated their comments, but in his opinion a private pool operator lives in a different world than a municipal pool operator and he feels that they should understand that.

SANITARY SEWER - INTERMUNICIPAL AGREEMENT WITH APEX - AMENDMENT APPROVED

The City of Raleigh and the Town of Apex currently have an agreement which addresses the City's treatment of waste water from Apex. Apex is now connected to the City's system via a force main from Apex to Walnut Creek Interceptor. In the original agreement, dated September 4, 1983, the City of Raleigh agreed to accept the waste water from Apex, but a limit of 1,000,000 peak rate was established until more information was known about the actual volume of flows from Apex. In September 1982, the City began receiving waste water from Apex. Through subsequent meetings, a tentative agreement has been reached to allow additional flows from Apex which are within the levels which it is felt the Walnut Creek Interceptor can accept. Council

Members received a copy of the proposed amendment in their Agenda packet. As noted, there are safeguards for the City if an overflow condition begins to develop. Administration RECOMMENDS THAT THE AMENDMENT TO THE RALEIGH-APEX AGREEMENT BE APPROVED BY THE CITY COUNCIL. Mr. Upchurch moved Administration's recommendation be upheld which was seconded by Keller and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ATLANTIC AVENUE - RELOCATION OF CP&L POLE - RELOCATION ARRANGEMENT AUTHORIZED

Administration has received a letter from Carolina Power and Light Company stating that the relocation of their power pole which is in conflict with the proposed bridge on Atlantic Avenue will cost approximately $20,000 to relocate. This expenditure can be included in the contract account when funds are set up. This approval is requested now so CP&L can proceed with ordering the pole and other materials, and receive bids to have the work completed. Brief discussion took place on the high cost after which Mr. Upchurch MOVED APPROVAL OF THE RELOCATION OF THE CP&L POLE AS OUTLINED. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

DEVELOPMENT STUDY - AGREEMENT WITH PUBLIC ADMINISTRATION SERVICE - APPROVED

On January 18, 1983, the City Council approved retention of the consulting firm of Public Administration Service subject to an agreement being negotiated. An agreement has been reached which provides for the study to be performed at a cost not to exceed $33,000 with work to begin on February 7-8 and be completed within four months. An amount of $35,000 has been budgeted for this project. Council Members received a copy of the proposed agreement with their Addendum material. ADMINISTRATION RECOMMENDS APPROVAL OF THE AGREEMENT WITH PUBLIC ADMINISTRATION SERVICE AS OUTLINED. Mr. Edwards moved Administration's recommendation be upheld which was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ADDENDUM

SLUDGE APPLICATION AGREEMENT FOR PRIVATE FARM LAND - MAYOR AUTHORIZED TO SIGN

The City has developed an agreement with the owners of the Barrington Farm for the application of digested sludge on their pasture. This is the first application of sludge on private farm land. The agreement was prepared by the Public Utilities Department and has been reviewed by the City Attorney's office and is in acceptable form. Administration recommends THAT THE CITY COUNCIL AUTHORIZE THE MAYOR TO SIGN THIS AGREEMENT SO THAT THE CITY CAN SUBMIT IT TO THE NORTH CAROLINA DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT FOR A PERMIT AMENDMENT. Mr. Walters moved Administration's recommendations be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

STREET CLOSING - MARTIN STREET - TEMPORARY CLOSING AUTHORIZED

City Manager Zachary indicated the Department of Transportation RECOMMENDS THAT THE CITY COUNCIL AUTHORIZE THE TEMPORARY CLOSING OF MARTIN STREET TO HALT TRAFFIC EXCEPT CAT BUSES AND LOCAL TRAFFIC FOR A PERIOD OF APPROXIMATELY THREE WEEKS FOR CONSTRUCTION RELATED TO THE CENTRAL TRANSFER POINT PROJECT. Mr. Zachary explained that this would be closing Martin Street between Salisbury Street and Wilmington Street and if there is any merchant who has delivery problems or whatever, the City will work with them to get deliveries made along with the bus traffic. City Manager Zachary indicated the Council received a memo from the Transportation Director dated January 28, explaining this request pointing out the contractor would be required to provide all necessary signing and barricading as well as providing a flagman at the Martin/Salisbury intersection to prevent general traffic from entering the block through the opening left for local traffic or Cat buses. Brief discussion took place after which Mr. Upchurch moved Administration's recommendation be upheld. His motion was seconded by Mr. Walters and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

BID REQUEST 82-45 - POLICE AUTOMOBILES - JOINT AWARD MADE TO HELMOLD FORD, INC. AND SIR WALTER CHEVROLET COMPANY

Pursuant to advertising as required by law bids were received and publicly opened on January 27, 1983 in the Purchasing Agent Office for Police Automobiles with results as follows:

Item 1 - Four Door - Police Blue and White Sedans

Helmold Ford, Inc.	$ 8,881.93
Sir Walter Chevrolet Company	9,023.82
Bobby Murray Chevrolet, Inc.	9,122.76
Charlie Wiygul Ford	10,406.68

RECOMMEND: Helmold Ford, Inc.

Item 2 - Four Door Compact Sedan - Standard Color

Sir Walter Chevrolet Company	$ 8,422.00
O'Neal Motors, Inc.	8,467.91
Bobby Murray Chevrolet, Inc.	8,516.70

RECOMMEND: Sir Walter Chevrolet Company.

Mr. Upchurch indicated this is the first time that he had seen a dealer outside of Raleigh bidding on the automobiles and questioned what keeps people from outside Raleigh bidding. Brief discussion took place with it being pointed out the City does accept bids from contractors all over for various projects and there is no reason why a company outside the City cannot bid on the automobiles. Mr. Edwards MOVED ADMINISTRATION'S RECOMMENDATION BE UPHELD AND THE JOINT AWARD MADE TO HELMOLD FORD, INC. AND SIR WALTER CHEVROLET COMPANY. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

TAXICAB OWNERS' PERMIT - SAMUEL JAMES JACKSON - APPROVED ON FIRST READING; TO BE PLACED ON 2/15/83 AGENDA

The Agenda had an application from Samuel James Jackson (individual owners permit) - Dixon Cab Company. The application has been checked and meets the requirements of the code and ADMINISTRATION RECOMMENDS APPROVAL ON THE FIRST READING WITH THE UNDERSTANDING THE ITEM WILL BE PLACED ON THE 2/15/83 FOR SECOND AND FINAL CONSIDERATION. Mr. Calloway moved Administration's recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

PUBLIC UTILITIES - TRANSFER - RESOLUTION ADOPTED

The Addendum listed a transfer in the amount of $12,000 in the Public Utilities Department to provide funds for additional crush stone to stabilize road beds for newly constructed terra-gator paths leading to recently cleared fields where sludge is applied. ADMINISTRATION RECOMMENDS APPROVAL OF THE $12,000 TRANSFER. Mr. Jordan moved Administration's recommendation be upheld which was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 150 TF 23.

BOYLAN AVENUE BRIDGE - CHANGE ORDER #1 - APPROVED

On October 19, 1982, the City Council approved Change Order #1 in the amount of $161,153 subject to the approval of the North Carolina Department of Transportation. This revision was necessitated to correct problems on adjacent property located at the northeast corner of the approach roadway. The City's Consulting Engineer has worked with the contractor and the State with the result being a Change Order which now totals an amount of $148,858. The City's cost would be 20 percent or $29,771.60. While the documents have not been signed, the State has tentatively agreed to this change order. Administration RECOMMENDS THAT THE CHANGE ORDER BE APPROVED SUBJECT TO THE STATE SIGNING THE NECESSARY DOCUMENT AND THAT THE APPROPRIATE BUDGETARY REVISIONS BE AUTHORIZED. Mr. Edwards moved Administrations's recommendation be upheld which was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 150 TF 23.

ORDINANCE NO. (1983) 64

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1982/1983 Budget be amended as follows to include additional funding from State for change order on Boylan Bridge:

Revenue:	30-1-0030-100	Boylan Bridge - State	$119,086.40
Expense:	30-2-3000-100	Boylan Avenue Bridge	119,086.40

Adopted: 2/1/83

PW 1981-8 - NEW MUNICIPAL BUILDING - CHANGE ORDER 00P-1 - APPROVED - FUNDS APPROPRIATED

Change Order 00P-1 with Alfred Williams and Company was presented. This change order represents an addition of $21,880.36. The initial open office petition layout and components were used to secure the original bid. This was planned nearly nine months ago. The City now has better information about the needs and wishes to alter the amount of equipment to be purchased for the new building. There are some items not included in the listing such as tables, bulletin boards and coat racks. The City expects to obtain them later through other sources. Approval is needed immediately so the contractor can place an order this week to take advantage of the low cost. ADMINISTRATION RECOMMENDS APPROVAL OF CHANGE ORDER 00P-1 AND TRANSFER OF FUNDS AS OUTLINED IN THE ADDENDUM. Brief discussion took place with City Manager Zachary indicating it is felt that we are getting the equipment at an extremely attractive price. Mr. Edwards moved Administration's recommendation be upheld which was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 150 TF 23.

REPORT OF CITY ATTORNEY

UTILITIES AND RIGHT-OF-WAY - REFERRED TO PUBLIC WORKS COMMITTEE

City Attorney McCormick indicated earlier in the afternoon, the City Council discussed the cost for moving or relocating a CP&L power pole. Mr. McCormick indicated the CP&L franchise will be expiring in a couple of years and it might not be too early to start looking at the renewal process pointing out there may be some areas that the City could work on and get attractive items included in a franchise. Mr. Edwards indicated he felt that this was a good idea and he would move THAT THE CP&L FRANCHISE AS WELL AS ALL UTILITIES IN THE CITY RIGHTS-OF-WAY BE REFERRED TO PUBLIC WORKS COMMITTEE. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT OF MAYOR AND COUNCIL MEMBERS

HOUSING COMMITTEE - COMMENTS RECEIVED

Mayor York indicated he was not ready to make any recommendations for appointment of the Housing Committee. He stated he had been thinking of something along the lines of having some representation from certain groups such as DHIC, Home Builders Association, Realtors Association, Finance Institution, Housing Association, Housing Authority and a couple of citizens at large. He indicated this Committee will not be as large as Downtown Advisory Committee but will need to have a lot of expertise on this Committee. He indicated the only Council person who has suggested anyone to him is Reverend Calloway. Mayor York indicated this is sort of the lines he is thinking in appointing the Committee and he would suggest Council Members think about the Committee and offer suggestions.

WAKE DELEGATION - MEETING - INFORMATION RECEIVED

Mayor York indicated he had talked with Representative Ruth Cooke about the possibility of the City Council having a meeting with the Wake Delegation and has not heard anything from her as to a firm date. He pointed out the Wake Delegation meets every Friday at lunch time and two possible dates that have been suggested are February 11 or 18 at lunch time. He stated he did not know what the set up would be and he did not know whether lunch would be served. He stated he understands they have a caucus type meeting at this time and the City Council could fit into that format. Mr. Jordan questioned why the City did not invite the Wake Delegation for lunch at the Civic Center and this was discussed briefly with Council Members agreeing that whatever the Wake Delegation desired whether it be at the Legislative Building or the Civic Center to let them set the time most convenient to them. Mayor York indicated he would follow up on this and try to advise the Council as soon as possible.

NORTH CAROLINA ART MUSEUM - OPENING COORDINATION - REFERRED TO PUBLIC WORKS COMMITTEE

Mayor York indicated HE WOULD LIKE TO REFER AN ITEM TO PUBLIC WORKS COMMITTEE RELATING TO THE ART MUSEUM OPENING ON APRIL 9 AND 10 AND ANY COORDINATION THEY NEED WITH THE THE CITY. Mayor York indicated they have made one request to the City relating to the City providing bus shuttle service between the North Carolina Fairgrounds parking area and the Museum. He stated if there are other items relating to the coordination of the opening that these items could be taken directly to the Public Works Committee. He indicated Bill McLaurin has agreed to operate his parking lots at the Fairgrounds but there is quite a distance between the Fairground and the Art Museum. He stated he had a letter from Administration on this request in which Administration indicates the City could provide the shuttle service but we normally charge; therefore, it is a policy question as to whether the City wants to get into providing the service free or the lesser amount or whatever. Mayor York indicated he had talked with representatives of the Museum and had told them that Administration cannot do anything other than the normal policy as it would be a Council decision. He stated he feels that the City wants to present a cooperative viewpoint but he feels we have to be careful in what we do because of the precedent setting possibility. He stated he feels it would be good to do whatever we could to accommodate the request and others but we have to be very careful again pointing out it is a policy question of how to draw the line. He stated he feels the Public Works Committee could address this specific question and any other items that need to be addressed relative to the Art Museum formal opening.

Later in the meeting, Ms. Babb indicated she would like to put in a plug for helping the State out in the opening of the New Art Museum. She stated this will be a once in a lifetime happening. She stated the City has spoken many times about the desire to have a better, closer relationship in working with the State. She stated she feels that we do have a special relationship with the State as we are the Capitol City. She stated this is a special event and a lot of people will be coming from all over the City and explained that Bill McLaurin is donating the use of his parking facility at the Fairgrounds. She indicated the City has worked with the State on such as housing in the Downtown, the Dorothea Dix Property in just a better, closer working relationship with the State. She pointed out if the City expects to have a close cooperative attitude from the State she feels that the City should demonstrate the same attitude. The comments were received.

MAYOR YORK - TO BE OUT OF TOWN

Mayor York indicated as a matter of information, he will be attending an urban land institute meeting on February 14, in California. He stated it is an all-day meeting and it will be very difficult for him to get back for the February 15 Council Meeting. He indicated he would hope to be here at least part of the evening session. The item was received as information.

PUBLIC NUISANCE COMPLAINTS - SOUTH SAUNDERS/SUMMIT AVENUE AND OLD FAYETTEVILLE ROAD - ADMINISTRATION TO CHECK

Mr. Keller indicated he would request that Inspections Department CHECK THE JUNK CARS BEHIND WILDER'S GARAGE AT THE CORNER OF SOUTH SAUNDERS AND SUMMIT AVENUE. He indicated it is very unsightly and he would like to check to see if there is anything the City could do. Without discussion, the item was referred to Administration.

Mr. Keller indicated he would also like for THE INSPECTIONS DIVISION TO CHECK ON THE HOUSES OWNED BY BRUCE JEFFERIES ON OLD FAYETTEVILLE ROAD. He indicated there seems to be a lot of junk and appliances on the roadside and around the houses. Without objection, the item was referred to Administration.

TRUCK PARKING - MAYWOOD AVENUE - REFERRED TO ADMINISTRATION

Mr. Keller indicated he had received several complaints about a tractor-trailer truck parking overnight on Maywood Avenue. He questioned if this is legal. Without discussion, Administration was to check on the overnight truck parking on Maywood Avenue.

WADE AVENUE - CONDITION OF STREET - REFERRED TO ADMINISTRATION

Mr. Edwards indicted he had received several complaints relative to the pavement breaking up and the bad condition of the pavement on Wade Avenue from Canterbury Road to about Gardner Street. He questioned if there are any plans to do improvements. Without discussion, the condition of the pavement on Wade Avenue was referred to Administration.

WADE AVENUE PUMPING STATION - SUBDIVISION - CLARIFICATION

Mr. Edwards explained when the City acquired property from the Holdings on Wade Avenue for the City's pump station in 1977, the plan prepared by the engineer showed the property split in two lots. Because of a surveying error, a portion of Mr. Holding's property was not shown on the plan. Based upon recording of the map showing Lots 1 and 2, a third lot (remainder of Holding property), was created. Mr. Edwards moved THAT IN ORDER TO CLARIFY THIS SUBDIVISION AND ALLOW LEGAL RECORDING OF LOT 3, THAT THE SUBDIVISION AS SHOWN ON MAP ENTITLED "SUBDIVISION OF W. A. HOLDING, JR., PROPERTY" DATED 1-23-83 BE APPROVED AND WAIVER OF THE $50 FILING FEE BE AUTHORIZED. His motion was seconded by Mr. Upchurch and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

CABLEVISION - WASHINGTON DC - COMMENTS RECEIVED

Ms. Babb indicated she recently read in the Washington Post that Washington, DC has no cable franchise at all. She indicated the article pointed out that this is a good thing because of the new techniques that are coming aboard pointing out this will make everything that the City of Raleigh is doing obsolete. City Attorney McCormick indicated our RFP spoke to the fiber optics that the article referred to.

TEMPORARY SHELTERS - COMMENTS - REFERRED TO ADMINISTRATION

Ms. Babb indicated she was very concerned about what happened last week about the demise on the temporary shelter idea. She stated she could not follow exactly what had happened pointing out her recollection of the Council action was that the Council voted on a motion to state that it was the Council's interpretation that this was an eleemosynary institution and asked Administration to meet with the people and work that out and if Administration was not successful then the Board of Adjustment would be asked to call a special meeting. She indicated she knew that the City Council could request the Board of Adjustment to do something but could not tell them what to do. She stated she is concerned to hear about what Administration did and how the case was handled and questioned why Mr. Watkins was so adamant in his decision. City Attorney McCormick indicated he met with Mr. Watkins, representatives of the Raleigh Area Ministries and Don Harris for over an hour trying to work out something on this matter. He stated Mr. Watkins was very cooperative. He indicated in the meeting it was determined that the best way to go rather than to request a rehearing because of the procedure the Board has to go through on a request for rehearing that the quickest way to do was to drop the rehearing and file a new request. Ms. Babb indicated she believed this could have been handled if there had been a strong sense on the part of Administration to do it. She stated when people want to get things done, they get things done but in this case she feels that Administration did not handle the situation well. She stated nothing could be done about it now but it is very frustrating when the City Council takes an action and says what is to be done and there is no effort to have it done. She stated she is just very disappointed about this whole situation. Mr. Calloway indicated he had talked to Mr. Harris about this matter and he does have a new location and he is not sure whether he would have

to go through the same procedure or not. Ms. Babb indicated the government needs to try to do everything to help out in situations like this. She stated we had an individual group of people who were trying to do something and the City made it impossible for them to accomplish that goal. Mr. Edwards stated he felt that the Council needed some clarification as there have been different statements made as to what happened. He stated he would like for Administration TO GIVE A REPORT TO THE COUNCIL AS TO EXACTLY WHAT HAPPENED. Mr. Edwards pointed out the City Council did approve $5,000 for this project and he would like for ADMINISTRATION TO GIVE THE COUNCIL A REPORT ON WHAT COULD HAVE BEEN DONE TO ALLOW THAT FACILITY TO LOCATE IN THE PARTICULAR PLACE. Pointing out, it has been stated that Administration could have done something to help the facility locate. Mr. Edwards indicated he is not satisfied that the City Council or Administration could have done anything more than what they did do and he feels that we should clear the air on this matter once and for all. Without objection, the matter was referred to Administration for a report back to Council.

WATER AND SEWER CAPITAL IMPROVEMENT PROGRAM - STATUS REPORT REQUESTED - MATTER REFERRED TO WORK SESSION

Mr. Upchurch indicated he had talked with members of Administration about the fact that it is about one year before the new water and sewer facilities come on line. He stated at this point HE WOULD LIKE TO REQUEST A STATUS REPORT ON THE CAPITAL IMPROVEMENT PROGRAM ON-GOING IN THE UTILITIES DEPARTMENT AND HOPEFULLY THAT REPORT COULD BE READY AND PRESENTED AT THE MARCH WORK SESSION AND IN ADDITION, FOLLOWING THAT WORK SESSION, HE FEELS THE COUNCIL SHOULD MADE AN ON-SITE INSPECTION AND MAYBE HAVE LUNCH AT THE FACILITY. Without objection, Mr. Upchurch's suggestion was upheld.

CAROLINA MOTOR CLUB - PEDESTRIAN PROTECTION PROJECT - ADMINISTRATION AUTHORIZED TO PARTICIPATE

Mr. Upchurch indicated on January 12 the Mayor received a letter concerning the Pedestrian Protection Program sponsored by the Carolina Motor Club. He briefly explained the program and stated he would LIKE TO REFER THE MATTER TO ADMINISTRATION AND ASK ADMINISTRATION TO COMPLETE THE QUESTIONNAIRE AND PARTICIPATE IN THIS PROJECT. Brief discussion took place and Mr. Upchurch put his recommendation in the form of a motion which was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ETJ - CARY/RALEIGH - REFERRED TO THE INTERGOVERNMENTAL COMMITTEE

Mr. Upchurch indicated during the last several weeks the Intergovernmental Committee has been working with Cary on various items and there are some agreements between Cary and Raleigh relating to some of the land west of Raleigh that need to be clarified. He stated before long Cary and Raleigh are going to be joining each other. He requested THAT THE VARIOUS AGREEMENTS BETWEEN CARY/RALEIGH BE REFERRED TO INTERGOVERNMENTAL COMMITTEE FOR REVIEW. Without objection, the item was so referred.

ECONOMIC BASE STUDY - MEETING ANNOUNCED - COUNCIL INVITED

Mr. Upchurch, as Chairman of the TAC, presented Council Members with a letter inviting Council to attend and participate in a work session to be conducted by the Planning Staffs of Raleigh, Cary, Garner and Wake County and the Research Triangle Institute regarding the Economic Base Analysis and Projection that is being undertaken in connection with the update of the regions' transportation plan. He pointed out the meeting is scheduled to be at 7 p.m. on Thursday, February 10, in Room 700 of the Wake County Courthouse. He briefly explained the workshop and invited all Council Members to attend.

PUBLIC WORKS DEPARTMENT - POSSIBILITY OF STREET VACUUM CLEANERS - REFERRED TO ADMINISTRATION

Mr. Upchurch indicated he would like to ask Administration, as an individual, to look at the possibility of including two or three new street sweepers in their proposed budget. He indicated the old street sweepers we have create a lot of dust and the new one seems to be working very well; therefore, he would like for Administration to consider the possibility of requesting two or three of the new type sweepers in their upcoming budget. The item was referred to Administration.

REPORT OF CITY CLERK AND TREASURER

MINUTES - JANUARY 18 - APPROVED

The City Clerk indicated Council Members received copies of the minutes of the February 18 Council Meeting and Joint Zoning Hearing. There being no corrections, Mr. Walters MOVED THE MINUTES AS PRESENTED BE APPROVED. His motion was seconded by Mr. Jordan and put to a vote which passed unanimously THE MAYOR RULED THE MOTION ADOPTED.

ADJOURNMENT

There being no further business, MAYOR YORK ANNOUNCED THE MEETING ADJOURNED AT 4:45 P.M. TO BE RECONVENED AT 7:00 P.M.

Gail G. Smith
City Clerk

dg/cityc

The City Council of the City of Raleigh met in regular reconvened meeting at 7 p.m. on Tuesday, February 1, 1983, in the City Council Chamber of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Callowy
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

REQUESTS AND PETITIONS OF CITIZENS

DOROTHEA DIX PROPERTY - CERTIFICATE RECEIVED

Mayor York indicated Melvin Whitney representing the Save Dorothea Dix Property Committee had asked to be heard. Mr. Whitney presented the Council Members with a Certificate of Appreciation of devoted and invaluable services rendered to the Save Dorothea Dix Committee. He indicated on behalf of the 1,300 employees, patients and families, the Committee would like to honor the City Council for the invaluable service they rendered in this effort. Mr. Whitney indicated on a personal note, he would like to say thank you to the Council for coming out in such a strong united effort on a matter of concern of the citizens, pointing out many times civic service such as serving on the City Council is a thankless job and he would like to express appreciation for the efforts of the City Council and City Officials. Mayor York accepted the certificate of appreciation indicating the Intergovernmental Committee, which consists of Mr. Upchurch, Mr. Keller and Mr. Walters, did most of the work on this matter.

STREET CLOSING - TEMPORARY CLOSING OF POLK STREET - APPROVED CONDITIONALLY

Marcia Ladd, representing the Society for the Preservation of Historic Oakwood was at the meeting to request permission to close the 400 block of Polk Street on May 1, 1983, between 12 noon and 7 p.m. in order to conduct an activity in connection with the ArtsPlosure. She indicated the Society is also requesting waiver of the $50 fee. Mr. Walters indicated we have done this several times and it is a very worthwhile activity. City Manager Zachary indicated Administration has reviewed the request and has no objection provided the event sponsors ensure that all emergency agencies are notified of the blockage, that access into the area is available should emergencies arise and that all necessary signs, cones and barricades be furnished, installed and removed by the event sponsors. Mr. Walters MOVED THE AUTHORIZATION FOR THE TEMPORARY CLOSING OF THE 400 BLOCK OF POLK STREET AS REQUESTED WITH THE CONDITIONS OUTLINED BY ADMINISTRATION AND WAIVER OF THE $50 FILING FEE. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

DUNN WRECKER SERVICE - REQUEST FOR REINSTATEMENT OF CONTRACT - REFERRED TO PUBLIC WORKS COMMITTEE

Attorney Robert A. Ponton, representing Dunn Wrecker Service, indicated in August of last year, a towing contract was awarded to Dunn Wrecker Service. He indicated Mr. Dunn performed the towing service with the City of Raleigh and he never received any complaints whatsoever. He indicated on November 5, Mr. Dunn received a letter from Chief Heineman suspending the contract and Mr. Dunn has never, to this date, been told why his contract was suspended. Attorney Ponton indicated he had spoken to Chief Heineman and to Captain Price and as he understands it, the suspension relates to the requirement of at least one heavy-duty wrecker (Holmes 750 tandem axle or equal with 25 ton winch and 2 spools). He indicated in August Mr. Dunn applied for and received the contract and at that time he had two wreckers that met specifications. He indicated he needed the City's work to enable him to put a down payment on a new truck and the question seems to revolve around whether the other truck is sufficient or meets the requirements. He indicated without the City contract, Mr. Dunn does not have enough funds available to him to buy the new wrecker as he needs to be employed by the City or have the contract with the City so he can pay for the wrecker. Attorney Ponton indicated he was at the meeting to request the Council to allow Mr. Dunn to work for a 90-day period under the terms of the contract or until April 30 and by that time he will have complied with the requirements to have a Holmes 750 truck. He indicated Mr. Dunn and his family are at the meeting and he wants to work. He indicated as a matter of information, Mr. Dunn had stated that never in his work with the City had he received a request for this type wrecker.

Police Chief Heineman indicated sometime during the end of October, the Police Department received several complaints about the wrecker service and as a result they did investigate those complaints. He indicated the complaints did not relate just to Dunn's Wrecker Service. He indicated, however, during the investigation they did find Mr. Dunn in default of the contract as he did not have a heavy-duty wrecker. He indicated he was told to come into the Police Department or to bring the wrecker down if he did have one that meets the requirements of the ordinance. He indicated since Mr. Dunn never came to the Police Department to provide proof that he did have a wrecker, he did issue a letter of suspension - a 90-day suspension of the contract. He indicated sometime during December he received a telephone call from Mr. Dunn's attorney pointing out he was not sure if it was the same attorney representing him

tonight. He indicated he told that attorney to have Mr. Dunn bring the wrecker in and let the Police Department look at it. He stated to this date, as far as the police know, the terms of the contract have not been fulfilled. Chief Heineman indicated the 90-day suspension would be up the day after the Council Meeting and at that time he would request that Administration to request the Council to revoke the contract as Mr. Dunn is in violation. Attorney Ponton indicated that his client does not have a 750 tandem and it is his understanding that Captain Price has a photo of the truck that Mr. Dunn is using. He indicated his client is just caught in a Catch-22 as he cannot secure the Holmes 750 until he has the contract with the City, but the City won't let him have the contract until he has the wrecker. Lengthy discussion took place with Mr. Dunn indicating it is his contention that the truck he has is the equal to a Holmes 750. Photos of the truck were presented. Mr. Upchurch indicated that the towing contracts were reviewed very thoroughly by the Public Works Committee last year. He indicated he had minutes of the meeting and quoted Mr. Dunn supporting and pressing for the contract to include that everyone have the Holmes 750 or heavy-duty wrecker. He indicated Mr. Dunn and fellow wrecking companies all testified that the heavy-duty wrecker was needed. Discussion followed with Mayor York questioning if the Chief could not provide a letter to Mr. Dunn saying that he would be qualified for the contract as soon as he gets the equipment. Mr. Dunn indicated what he is trying to say is that the equipment he has is equal to the Holmes 750. After other discussion on the problem, the exact status of the purchase of the new truck, whether the truck Mr. Dunn has is equal, Mr. Edwards MOVED THAT THE MATTER BE REFERRED TO PUBLIC WORKS COMMITTEE. His motion was seconded by Mr. Walters. Discussion took place with City Manager Zachary pointing out that Mr. Dunn is not and has not been operating on the rotation basis during this suspension and if the matter is referred to Public Works Committee, it would just delay the termination of the contract but Mr. Dunn would not be put back on the rotation system while the Committee is discussing the item; therefore, the motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ANNEXATION - MINE VALLEY PLANNED UNIT DEVELOPMENT - CLERK TO CHECK SUFFICIENCY AND SCHEDULE HEARING

A petition has been received for the contiguous annexation of a portion of Mine Valley Planned Unit Development. The next step, if the Council so desires, would be directing the Clerk to check the sufficiency of the petition and if found sufficient, schedule a public hearing for February 15, 1983. Mr. Walters MOVED THAT THE CLERK CHECK THE SUFFICIENCY OF THE PETITION AND IF FOUND SUFFICIENT SCHEDULE A PUBLIC HEARING FOR FEBRUARY 15. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

OPTIMIST POOL - FRIENDS OF OPTIMIST POOL - COMMENTS RECEIVED - REFERRED TO ADMINISTRATION

Elizabeth C. Bunting, representing Friends of Optimist Pool, was at the meeting pointing out they were an informal group of people who got together as they utilize Optimist Pool quite often. She stated when they formed they had no idea of what was going to happen at Optimist referring to the vandalism of the bubble. She stated, therefore, within three days after they formed, they had their first project, self-made for them. She stated they believe that this type vandalism should not be allowed and the City should make efforts to make sure it doesn't happen again. She requested that the Council provide greater security for Optimist Pool. She indicated she understood that there was some interim security measures such as assigning a park ranger or requesting the police to make closer checks. She stated they would like to see something on a permanent basis. She indicated different solutions that have been suggested are something along the line of an alarm system, electric sensor system, etc. She indicated permanent security is needed as the City does have a large investment and that investment should be protected. She stated they want to see Optimist Pool remain available to the public on a permanent basis and this type vandalism could preclude that availability. She indicated they are so interested in Optimist Pool because swimming is such a viable sport that is utilized by a broad range of citizens regardless of any physical disability, etc. She indicated Optimist Pool is utilized pointing out the size facilitates the use of a number of activities going on together. She indicated the pool is now open from 5:30 a.m. until 9:30 p.m. and a lot of activities are going on and this is a very viable part of our program. She indicated a petition was left at the pool for only one week and they had over a hundred people sign indicating the petition stated that the people are deeply concerned with the recent vandalism at the pool and urge the City of Raleigh to provide more security at the pool in order to prevent any future damage. Mayor York, expressed appreciation to the Friends of Optimist Pool and without objection, ASKED ADMINISTRATION TO LOOK INTO THIS MATTER AND TO GIVE THE COUNCIL A REPORT.

NORTH CAROLINA HOUSING FINANCE AGENCY - REQUEST FOR RESOLUTION - RESOLUTION ADOPTED

David S. Payne was at the meeting to request adoption of a resolution authorizing participation of the North Carolina Housing Finance Agency for a 40-unit housing project on Sanderford Road. He explained the North Carolina Housing and Finance Agency and the work pointing out the particular site in question is zoned Residential-6 and he would not be asking for any zoning changes, etc. He indicated he realized that there were other channels that they will have to go through in getting the plans approved. He stated he was representing the owner of the land. He stated this project will be an asset to the neighborhood and will be in keeping with the neighborhood. City Manager Zachary indicated the proposed units are located in Census Tract 521.01 which is a minority concentrated area. As a non-subsidized

development, the proposal is exempt from the City's scattered site policy. The units will provide moderately priced housing units to households in southeast Raleigh. Lengthy discussion took place on what the Council would be doing if they approved the resolution with Mr. Walters questioning if some of the units have to be low-income, how this does not fall within the requirements of our HAP plan. After lengthy discussion on the location, how the North Carolina Housing and Finance Agency works and the fact that this is not approving a project as the project would have to go through the normal City channels, Mr. Upchurch MOVED THAT THE COUNCIL ADOPT A RESOLUTION AS REQUESTED. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 158

Councilman Upchurch introduced the following resolution which was read:

RESOLUTION REQUESTING AND APPROVING THE PARTICIPATION OF THE NORTH CAROLINA HOUSING FINANCE AGENCY IN THE FINANCING OF A HOUSING PROJECT TO BE LOCATED IN THE CITY OF RALEIGH, NORTH CAROLINA.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. The participation of the North Carolina Housing Finance Agency (The Agency) in the financing of the proposed housing project for occupancy by persons and families of lower income (as defined by the Agency) described below and located at Sanderford Road in the City of Raleigh is hereby requested and approved pursuant to G.S. 122A-5(1):

Description of Proposed Property:

The property as shown on the Wake County Book of Maps at Page 633, being lots numbered 99 and 100 and owned by Joseph C. Elleby and Mazell Elleby of 820 Peyton Street, Raleigh, North Carolina shall be converted into a subdivision consisting of forty (40) units of rental housing. Said lots are within the City limits of Raleigh and are presently zoned R-6 and totally being seven and three one hundredth acres.

The land shall be subdivided into fourteen (14) lots and two (2) and three (3) bedroom apartments shall be apportioned among them. The structures shall be of the highest quality in design, materials and construction to maintain compatibility and integrity with the neighboring Foxfire and Fox Hollow Subdivisions and the general improvement of the neighborhood and the City of Raleigh by helping to meet the housing needs of the City's people.

Joseph C. and Mazell Elleby

per David S. Payne

Section 2. This resolution will take effect upon its passage. Thereupon, upon motion of Councilman Upchurch, seconded by Ms. Babb, the foregoing resolution was passed by the following vote: Ayes - Mayor York, Mr. Upchurch, Ms. Babb, Mr. Edwards, Mr. Walters, Mr. Jordan, Mr. Keller, Reverend Calloway. Noes - none.

I, Brenda N. Anderson, Deputy Clerk of the City of Raleigh, North Carolina DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council of said City of Raleigh at a meeting held on February 1, 1983, as related in any way to the passage of a resolution requesting and approving the participation of the NORTH CAROLINA HOUSING FINANCE AGENCY in a housing project to be located in said City of Raleigh, and that said proceedings are recorded in Minute Book number 35 of the minutes of said City Council, beginning at page _____ and ending at page _____.

I hereby further certify that due notice of said meeting was given pursuant to G.S. 143-318.8.

WITNESS my hand and the corporate Seal of said City of Raleigh, this 14th day of February, 1983.

THOROUGHFARE CONFLICT - SIX FORKS ROAD - EXTENSION - BUILDING PERMIT FOR FRANCHISE ENTERPRISES AUTHORIZED: THOROUGHFARE PLAN AS IT RELATES TO CRABTREE BOULEVARD - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

Mayor York indicated he is involved in this item; therefore, he would request permission to be excused from participating or presiding over this discussion and would request Mayor Pro Tem Walters to preside. Mr. Edwards indicated he too is involved in this item; therefore, he would like to be excused. Without objection, Mayor Tem Pro Tem Walters took the chair and Mayor York and Mr. Edwards were excused from participation in this matter.

Johnnie Edwards of John A. Edwards and Company was at the meeting to request a building permit for Franchise Enterprises on a site affected by the proposed Six Forks Extension as shown on the Raleigh's Thoroughfare Plan. He explained this involves a Hardee's restaurant on North Boulevard and they would like to build a Hardee's next to the existing building and this is affected by the Six Forks Road Extension. City Manager Zachary indicated the Department of Transportation has looked at this matter and it is Administration's belief that the extension of Six Forks Road through this property is still some years in the future and there is no indication that the State will move ahead with this. Mr. Jordan MOVED THAT THE CITY COUNCIL INDICATE THAT THEY WILL NOT PURCHASE THIS PROPERTY AT THE PRESENT TIME AND THAT THE BUILDING PERMIT BE ISSUED TO FRANCHISE ENTERPRISE. His motion was seconded by Mr. Calloway.

Mr. Upchurch questioned if we would not be removing this from the Thoroughfare Plan by issuing the building permit with Mr. Walters indicating it would just be saying that we are not going to build the street any time in the near future. Mr. Upchurch suggested the possibility of removing the street from the Thoroughfare Plan. Mr. Walters indicted actually on this side of North Boulevard, the street is known as Crabtree Boulevard and he would be very willing to remove Crabtree Boulevard in this area from the Thoroughfare Plan as he sees no need for it as it will parallel Yonkers Road which parallels the Beltline. He stated the action would be just allowing the building to go on and electing not to purchase the property at this time. Brief discussion took place after which Mr. Jordan AGREED TO AMEND HIS MOTION TO REFER THE QUESTION OF CRABTREE BOULEVARD AS IT RELATES TO THE THOROUGHFARE PLAN TO THE COMPREHENSIVE PLANNING COMMITTEE. This amendment was accepted by Mr. Calloway and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

PUBLIC NUISANCE COST CONFIRMATION - APPEAL - TO BE DEFERRED UNTIL THE 2/15/83 AGENDA

Victor N. Okah had requested permission to appeal the decision of the Law and Finance Committee regarding costs of abating a nuisance on his property at 2708 Wyncote Drive. Mr. Okah was not at the meeting. The City Clerk asked permission to place this item on the February 15 Agenda as there was some confusion between her and Mr. Okah as to when he should appear at the meeting. Without objection, this was agreed to.

PROPERTY EXCHANGE - PLEASANT RIDGE ESTATES - AUTHORIZED

Mayor York read the following memo from the City Clerk:

"I would request that John A. Edwards, Jr., representing Eastman and Company, Inc. be added to the Agenda under Requests and Petitions of Citizens. Mr. Edwards presented a form to appear on the Agenda for the meeting in the proper time frame. He was requesting revocation of a portion of right-of-way of Shenandoah Road, Lot 1, Block H, Pleasant Ridge Estates and realignment of Shenandoah Road. I have discussed the request with various people and Administration trying to determine if this should be handled as a road closing, exchange of property or exactly what procedure should be followed and as a result did not get the request on the Agenda. It has been determined by the Planning Department and the City Attorney that this should be handled as an exchange of property. If the Council desires to proceed with the request, the procedure would be that the City Council concur in this exchange, subject to the City Clerk preparing the proper advertising, and if there are no objections, the exchange would be effective ten (10) days after the advertising date, and a new map, showing the new alignment, would be recorded by the property owner. Mr. Edwards will be in the audience to answer questions concerning the request." Planning Director Chapman explained the request. Mr. Edwards INDICATED HE WOULD LIKE TO BE EXCUSED FROM PARTICIPATION IN THIS MATTER. Without objection, he was excused. Brief discussion took place and Mr. Jordan MOVED THAT THE CITY COUNCIL AUTHORIZE THE EXCHANGE ACCORDING TO THE PROCEDURE OUTLINED IN THE CLERK'S MEMO. His motion was seconded by Ms. Babb and put to a vote which passed with all members voting in the affirmative except Mr. Edwards who was excused from participation. THE MAYOR RULED THE MOTION ADOPTED.

UNFIT BUILDINGS AND DWELLING UNFIT FOR HUMAN HABITATION

NONE.

MATTERS SCHEDULED FOR PUBLIC HEARING

PUBLIC NUISANCE COST CONFIRMATION - VARIOUS LOCATIONS - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges for abating public nuisances as outlined below. The charges, if confirmed, will become a lien against the land. The Mayor opened the hearing on the following items:

1320 Foxrun Drive - David G. Olmstead - $211. No one asked to be heard.

702 Bart Street - Charles H. Cross - $166. No one asked to be heard.

Mr. Edwards MOVED ADOPTION OF A RESOLUTION CONFIRMING THE CHARGES AS OUTLINED. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) - 152

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 7, Chapter 5 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 7, Chapter 5.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 7, Chapter 5 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
David G. Olmstead	1320 Foxrun Drive Lot 121, Map 607 ID #0052082	$211.00
Charles H. Cross	702 Bart Street Lot 9, Block-336, Map-B-14 ID #0015975	166.00
Victor Okoh	2708 Wyncote Drive Lot 97, Map 605 ID #0031474	115.00

UNSAFE DWELLING - 2120 LINEBERRY ROAD - WITHDRAWN

This was a hearing to consider adoption of an ordinance declaring the dwelling at 2120 Lineberry Road an emergency unsafe building. The property is in the name of Mary P. Campbell. Housing Inspections Supervisor Bartholomew REQUESTED THIS ITEM BE WITHDRAWN FROM THE AGENDA WITH NO ACTION TAKEN AS THE DWELLING HAS BEEN REPAIRED. Without objection, the item was withdrawn.

UNFIT DWELLINGS - 1106, 1107 AND 1108 EAST LANE STREET AND 3114 WILDER STREET - HEARING - REFERRED TO PUBLIC WORKS COMMITTEE

This was a hearing to consider adoption of an ordinance declaring the following dwellings unfit and directing that they be placarded to prohibit their use and/or occupancy:

1106, 1107 and 1108 East Lane Street - Alfred C. and Bernice L. Perry. Housing Inspections Supervisor Bartholomew indicated the Perry's started to work on the units on East Lane Street. He stated they are not complete but indicated weather permitting, they will be complete soon. Brief discussion took place and Mr. Walters MOVED THAT 1106, 1107 AND 1108 EAST LANE STREET AND THE REQUEST TO DECLARE THEM UNFIT BE REFERRED TO PUBLIC WORKS COMMITTEE. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

3114 Wilder Street - Dorothy L. Snelling, property owner. Housing Inspections Supervisor Bartholomew indicated his office has been in contact with Ms. Snelling explaining she has applied for a loan and the loan has been approved; however, no work has been done. He indicated Ms. Snelling had hoped to start work on the repairs today, pointing out the work is expected to exceed $22,000. In response to questions, Mr. Bartholomew indicated the property is owner occupied. Mr. Calloway MOVED THAT THE REQUEST TO DECLARE 3114 WILDER STREET UNFIT BE REFERRED TO PUBLIC WORKS COMMITTEE. His motion was seconded by Mr. Jordan and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

UNSAFE DWELLING - 2601 HARPER - WITHDRAWN

This was a hearing to consider adoption of an ordinance finding the dwelling at 2601 Harper Street unsafe and directing that it be demolished. The property is in the name of the C. C. Lore, Heirs. Housing Inspections Supervisor Bartholomew REQUESTED THAT THIS ITEM BE WITHDRAWN FROM THE AGENDA AS THE REPAIRS HAVE BEEN MADE. Without objection, the item was withdrawn.

JOINT HEARING AND PLANNING COMMISSION

CP-1-83 - AMENDMENT TO MAJOR STREET PLAN - HEARING - REFERRED TO THE CITY PLANNING COMMISSION

This was a continuation of a hearing held on January 18, 1983, relating to CP-1-83 - Amendment to the Major Street Plan. During the January 18 Meeting, the Council directed that this hearing be continued as there was a feeling among Council Members that many of the residents of the area were not aware of the proposal. Planning Commission Members present included Mr. Williams, Mr. Safran, Mr. McNeely, Mr. Worth, Mr. Solomon, and Ms. Ridgeway.

Planning Director Chapman explained the proposal and the procedure. The Mayor opened the hearing to the public.

LaMarr Bunn, 4911 Waters Edge Drive indicated he was representing the petitioner who owns 22 acres of undeveloped land in this vicinity. He indicated they have made this request to add a street to the Thoroughfare Plan to provide circulation to the site and to provide reasonable subdivision of the property and following the guidance in rezoning application Z-86-80. He indicated he hopes that the Council will consider the plan as soon as possible.

Ken Durham, 3605 Burningtree Place, Chairman of the CAC in the area, indicated they held a meeting at which 110 people met to discuss this proposal. He explained the area pointing out it is directly affected by three different creeks and explained there is flooding problems in the area already and if a further development occurs additional flooding will follow. He called on the Council and the Planning Commission to discuss the impact of this plan on the Greenway system and flooding in the area. He indicated when this tract of land was rezoned, it was indicated that all of the traffic would flow toward Six Forks Road and traffic problems were not discussed in the rezoning. He indicated there is approximately 100 acres in this vicinity that is undeveloped and is presently zoned R-4. He indicated that if this proposal is approved, it will add additional traffic on the already clogged Wake Forest Road. He called on the Council and the Planning Commission to consider the whole picture. He pointed out St. Albans will become a heavily traveled street pointing out it is a narrow street and probably could not carry the additional traffic that will be funneled into it. He indicated there are traffic problems in the area and there are many interested citizens who want to be a part of the solution, not part of the problem. He called on the Council to let the community be a part of what affects them and call on them to participate. He indicated possibly a task force similar to the one established on Hillsborough Street would be appropriate. He stated their area is not antidevelopment, but pointed out they live with the ever increasing traffic in the area and know what is going on. He stated there will be increased traffic in the area if this is approved. He indicated the CAC voted in opposition to the amendment and a number of people are at the meeting to voice their opposition. Approximately 75 to 100 persons stood in opposition.

Paul Garrison, 4009 Quail Hollow Drive expressed appreciation to the Council for continuing the hearing from the last meeting. He indicated they sent out approximately 250 notices about the meeting in their area concerning this proposal and a little over a 100 people attended. He stated in addition his wife received about 75 phone calls relative to the matter. He stated this is the strongest support he has ever seen in a community. He stated they were opposed to the wording of the amendment. He stated they felt that the meeting in the neighborhood was very positive and commended everyone involved for their efforts. He stated they are in support of working with the City on the Thoroughfare Plan and the undeveloped area of the community. He stated the community just wants to provide input as they are the ones who will be most directly affected. He stated they would like to be involved in any deliberation on the 130 acres of undeveloped property. He pointed out any traffic increase in the Quail Hollow Hardimont corridor would be detrimental to the neighborhood. He pointed out Quail Hollow is only one mile long and they do not feel that it should be extended. He stated the community wants to work with the Planning Department and the Department of Transportation in development of the transportation plan in the area. He stated they are not an adversary of development but they would just like the opportunity to provide input. The resident at 4200 Camelot Drive indicated he was just speaking from a personal standpoint. He indicated under the proposal the traffic would be directed down St. Albans and Camelot Drive. He indicated this involves an apartment complex and a number of kids walking to the schools in the area with no sidewalks. He stated he has been living in this area for 15 years and the traffic has become very heavy. He pointed the community is already faced with a motel and a lounge that has increased the traffic in the area. He called on the Council and the Planning Commission to consider the residents. No one else asked to be heard; thus, the hearing was closed and the matter automatically referred to the Planning Commission.

REQUEST AND PETITIONS OF CITIZENS - ADD-ON

DOROTHEA DIX PROPERTY - REQUEST FOR HELP ON THE COMMITTEE - REFERRED TO INTERGOVERNMENTAL COMMITTEE

Mr. Calloway indicated Mr. Whitney wanted an opportunity to speak and as a point of personal privilege asked that he be allowed to address the Council. Mr. Whitney indicated there is great concern in the area that there should be some representation on the Dorothea Dix Advisory Committee from the surrounding neighborhood. He indicated Secretary Morrow promised the community would have some type of representation. He spoke to the makeup of the Advisory Committee, the necessity of a public hearing, the need for the community to see the records, notes or whatever prior to public access, the decentralization or reorganizational plan and the needs of the community. Mr. Upchurch indicated when the City made the presentation to the Governor, there was a plan presented by Secretary Morrow about appointing a Committee but he understands that there has been some change in the makeup of the Committee. He pointed out the Intergovernmental Committee is going to discuss the Dorothea Dix property and proposal at the next meeting and he would invite Mr. Whitney to sit in on the meeting and make comments. Without objection, MR. WHITNEY'S COMMENTS WERE REFERRED TO THE INTERGOVERNMENTAL COMMITTEE.

PUBLIC WORKS COMMITTEE - MEETING DATE CHANGED

Mr. Edwards indicated the Public Works Committee scheduled for February 8 has been changed to February 7, 1983.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:45 p.m.

Gail G. Smith
City Clerk

dg/n